

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

*NOTE: Under P.L.1-1996, SECTION 99, IC 13-1, IC 13-3, IC 13-5, IC 13-6, IC 13-7, IC 13-9, IC 13-9.5, and IC 13-10 were repealed. The repeal of these cites affects statutory authority and statutes affected lines of all sections not amended in the 2003 Edition of the Indiana Administrative Code.*

### **ARTICLE 1. GENERAL PROVISIONS**

#### **Rule 1. Provisions Applicable Throughout Title 326**

##### **326 IAC 1-1-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 1. This rule (326 IAC 1) is applicable to all of Title 326 IAC. (*Air Pollution Control Board; 326 IAC 1-1-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2368*)

##### **326 IAC 1-1-2 References to federal Act**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 4-22-9-5; IC 13-1-1; IC 13-7-7

Sec. 2. Unless otherwise indicated, references in these rules [*this title*] to the federal Clean Air Act, the Clean Air Act, or the CAA, shall mean the federal Clean Air Act, 42 U.S.C. 7401 et seq. as amended (including the Clean Air Act Amendments of 1990, P.L.101-549). (*Air Pollution Control Board; 326 IAC 1-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2368; filed May 25, 1994, 11:00 a.m.: 17 IR 2237*)

##### **326 IAC 1-1-3 References to the Code of Federal Regulations**

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

Affected: IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2000, edition\*.

\*This body of documents 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 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054*)

##### **326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements**

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

Affected: IC 13-15; 13-17

Sec. 3.5. Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the January 1995, Fifth Edition, Volume I\*, including the following AP-42, Fifth Edition, Volume I supplements:

- (1) Supplement A, February 1996\*.
- (2) Supplement B, November 1996\*.
- (3) Supplement C, November 1997\*.
- (4) Supplement D, August 1998\*.
- (5) Supplement E, September 1999\*.
- (6) Supplement F, September 2000\*.
- (7) Supplement G, the version available as of December 2000\*.

\*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 1-1-3.5; filed May 21, 2002, 10:20 a.m.: 25 IR 3055*)

**326 IAC 1-1-4 Severability**

Authority: IC 13-1-1; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-7

Sec. 4. If any provision of the rules or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect any other provisions or applications of these rules (326 IAC) which can be given effect without the invalid provision or application. (*Air Pollution Control Board; 326 IAC 1-1-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**326 IAC 1-1-5 Savings clause**

Authority: IC 13-1-1; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-7

Sec. 5. The repeal and reenactment in this title (326 IAC) of any rule previously the responsibility of the air pollution control board shall not have the effect to release or extinguish any penalty or forfeiture incurred under the same, and such previous rule shall be treated as still remaining on in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture or liability. (*Air Pollution Control Board; 326 IAC 1-1-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**Rule 2. Definitions**

**326 IAC 1-2-1 Applicability of definitions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 1. Definitions used in this title (326 IAC, air pollution control rules) are set forth in this rule (326 IAC 1-2). These definitions are in addition to those contained in IC 13-1-1-2 and IC 13-7-1. Any definitions set forth in other air pollution control rules shall be governing for that rule if there is a conflict. (*Air Pollution Control Board; 326 IAC 1-2-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**326 IAC 1-2-2 "Allowable emissions" definition**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1; IC 13-7

Sec. 2. "Allowable emissions" means the lowest emission rate calculated using all of the following:

- (1) The maximum capacity of the facility at eight thousand seven hundred sixty (8,760) hours per year.
- (2) The most stringent applicable federally enforceable state rule.
- (3) Limits on the operation specified by a federally enforceable permit.
- (4) An emission rate specified as a federally enforceable permit condition.
- (5) Potential emissions.
- (6) For noncontinuous batch manufacturing operations, when the process, not considering operating hours, results in daily emissions less than those calculated on an hourly basis, daily emission rates shall be used instead of hourly rates.

(*Air Pollution Control Board; 326 IAC 1-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed May 25, 1994, 11:00 a.m.: 17 IR 2237*)

**326 IAC 1-2-2.5 "Air curtain destructor" definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 2.5. An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in an adjacent pit. An air curtain destructor is not considered an incinerator as defined in section 34 of this rule. (*Air Pollution Control Board; 326 IAC 1-2-2.5; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1126*)

**326 IAC 1-2-3 “Air pollution control equipment” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 3. Air Pollution Control Equipment (Also pollution control equipment, pollution control device, emission control device): Control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it. (*Air Pollution Control Board; 326 IAC 1-2-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**326 IAC 1-2-4 “Applicable state and federal regulations” definition**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 4. “Applicable state and federal regulations” includes rules adopted by the air pollution control board under this title, regulations adopted by the U.S. EPA under the Code of Federal Regulations pursuant to the Clean Air Act, and direct requirements established by the Clean Air Act.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed May 25, 1994, 11:00 a.m.: 17 IR 2237*)

**326 IAC 1-2-5 “Attainment area” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 5. A geographical area designated by the board as meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3. (*Air Pollution Control Board; 326 IAC 1-2-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**326 IAC 1-2-6 “Best available control technology (BACT)” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 6. An emission limitation (including a visible emission standard) or equipment standard based on the maximum degree of reduction of each pollutant subject to regulation under the Clean Air Act and applicable Indiana laws or rules which would be emitted from or which results from any proposed major facility or modification thereto which the commissioner, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which will exceed the emissions allowed by any applicable standard.

If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirements for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results. (*Air Pollution Control Board; 326 IAC 1-2-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2369*)

**326 IAC 1-2-6.5 “Board” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 13-11-2-17

Sec. 6.5. “Board” means the air pollution control board. (*Air Pollution Control Board; 326 IAC 1-2-6.5; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367*)

**326 IAC 1-2-7 “Bulk gasoline plant” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 7. A gasoline storage and distribution facility which receives gasoline from bulk terminals by transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations. (*Air Pollution Control Board; 326 IAC 1-2-7; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-8 “Bulk gasoline terminal” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 8. A gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, barge or rail, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by transport. (*Air Pollution Control Board; 326 IAC 1-2-8; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-9 “Catalytic cracking unit” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 9. A unit composed of a reactor, regenerator, and fractionating tower which is used to convert certain petroleum fractions into more valuable products by passing the material at elevated temperature, through a bed of catalyst in the reactor. Coke deposits produced on the catalyst during cracking are removed. (*Air Pollution Control Board; 326 IAC 1-2-9; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-10 “Charging” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 10. The introduction of coal into a coke oven. The charging period begins with the first introduction of coal into the coke oven and ends with the replacement of the last charge port lid. (*Air Pollution Control Board; 326 IAC 1-2-10; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-11 “Charge port” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 11. An opening in the roof of a coke oven through which coal is introduced. (*Air Pollution Control Board; 326 IAC 1-2-11; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-12 “Clean Air Act” definition**

Authority: IC 13-1-1-4; IC 13-7-7-1  
Affected: IC 13-1-1; IC 13-7

Sec. 12. "Clean Air Act," or the "CAA", unless otherwise indicated, means the federal Clean Air Act, found at 42 U.S.C. 7401 et seq., as amended (including the Clean Air Act Amendments of 1990, P.L. 101-549), as indicated in 326 IAC 1-1-2. (*Air Pollution Control Board; 326 IAC 1-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2370; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**326 IAC 1-2-13 "Coal processing" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-4; IC 13-7-1

Sec. 13. The breaking, crushing, and screening of coal in preparation for charging to any combustion facility. (*Air Pollution Control Board; 326 IAC 1-2-13; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-14 "Coating line" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 14. "Coating line" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, one (1) or more of the following:

- (1) Spray booths.
- (2) Flow coaters.
- (3) Flash-off areas.
- (4) Air dryers.
- (5) Ovens.

(*Air Pollution Control Board; 326 IAC 1-2-14; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2370; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed May 6, 1991, 4:45 p.m.: 14 IR 1712*)

**326 IAC 1-2-15 "Code of Federal Regulations" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-4; IC 13-7-7

Sec. 15. Unless otherwise provided, references to the Code of Federal Regulations (CFR) shall mean the version indicated in 326 IAC 1-1-3. (*Air Pollution Control Board; 326 IAC 1-2-15; filed Mar 10, 1988, 1:20 pm: 11 IR 2370*)

**326 IAC 1-2-16 "Coke oven battery" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 16. Any series of jointly operated slot-type coke ovens, the operation of which results in the destructive distillation of coal for conversion to coke. (*Air Pollution Control Board; 326 IAC 1-2-16; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-17 "Coke oven topside" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 17. The top of any coke oven, including, but not limited to, the charge port, charge port lids and off-take piping associated with an oven. (*Air Pollution Control Board; 326 IAC 1-2-17; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-18 "Coke-side" definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 18. That side of a coke oven from which the coke is removed for quenching. (*Air Pollution Control Board; 326 IAC 1-2-*

18; filed Mar 10, 1988, 1:20 pm: 11 IR 2371)

**326 IAC 1-2-18.5 “Cold cleaner degreaser” defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 18.5. “Cold cleaner degreaser” means a tank containing organic solvent at a temperature below the boiling point of the solvent which is used to spray, brush, flush, or immerse an article for the purpose of cleaning or degreasing the article. (*Air Pollution Control Board; 326 IAC 1-2-18.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**326 IAC 1-2-19 “Combustion for indirect heating” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 19. The combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to the products of combustion. (*Air Pollution Control Board; 326 IAC 1-2-19; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-20 “Commence construction” definition (Repealed)**

Sec. 20. (*Repealed by Air Pollution Control Board; filed Jul 15, 1993, 5:00 p.m.: 16 IR 2825*)

**326 IAC 1-2-20.2 “Commissioner” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 13-11-2-35

Sec. 20.2. “Commissioner” means the commissioner of the Indiana department of environmental management. (*Air Pollution Control Board; 326 IAC 1-2-20.2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367*)

**326 IAC 1-2-20.5 “Compilation of Air Pollution Emission Factors AP-42” definition**

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

Affected: IC 13-15; IC 13-17

Sec. 20.5. Unless otherwise provided, references to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the version indicated in 326 IAC 1-1-3.5. (*Air Pollution Control Board; 326 IAC 1-2-20.5; filed May 21, 2002, 10:20 a.m.: 25 IR 3055*)

**326 IAC 1-2-21 “Construction” definition**

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

Affected: IC 13-11

Sec. 21. “Construction” means fabrication, erection, or installation of one (1) or more emissions units at the location intended for its use. Construction does not include any of the following:

- (1) Installation of building supports and foundations.
- (2) Laying underground piping or arbors.
- (3) Erection of storage structures.
- (4) Dismantling existing equipment and control devices.
- (5) Ordering of equipment and control devices.
- (6) Off-site fabrication.
- (7) Temporary storage other than where permanent installation will occur.

This section does not apply to a major PSD source or a major PSD modification as defined in 326 IAC 2-2 or a major source or

major modification as defined in 326 IAC 2-3. (*Air Pollution Control Board; 326 IAC 1-2-21; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2371; filed Jul 15, 1993, 5:00 p.m.: 16 IR 2824; filed Nov 25, 1998, 12:13 p.m.: 22 IR 978*)

**326 IAC 1-2-21.5 “Conveyorized degreaser” defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 21.5. “Conveyorized degreaser” means any continuous system that, for the purpose of cleaning or degreasing articles, transports the articles through or over an organic solvent bath which is heated to its boiling point, or transports the articles through an organic solvent bath at a temperature below the boiling point of the solvent. (*Air Pollution Control Board; 326 IAC 1-2-21.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**326 IAC 1-2-22 “Cutback asphalt” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 22. Asphalt cement liquified by blending with volatile organic compounds, and which is used for the purpose of paving and/or repairing a road surface. (*Air Pollution Control Board; 326 IAC 1-2-22; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-22.5 “Department” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 22.5. “Department” means the Indiana department of environmental management. (*Air Pollution Control Board; 326 IAC 1-2-22.5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1223*)

**326 IAC 1-2-23 “Electric arc furnaces” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 23. An electric arc furnace is defined as any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of the finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed pre-reduced ore pellets are not affected facilities within the scope of this definition. (*Air Pollution Control Board; 326 IAC 1-2-23; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-23.5 “Emissions unit” definition**

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

Affected: IC 13-11

Sec. 23.5. “Emissions unit” means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant under the Clean Air Act (CAA). (*Air Pollution Control Board; 326 IAC 1-2-23.5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979*)

**326 IAC 1-2-24 “U.S. EPA” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 24. The United States Environmental Protection Agency. (*Air Pollution Control Board; 326 IAC 1-2-24; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-25 “Excess air” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 25. That air supplied in addition to the theoretical quantity necessary for complete combustion for all fuel and/or combustible waste material present. (*Air Pollution Control Board; 326 IAC 1-2-25; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-26 “Existing facility” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 26. Any facility which has commenced construction or is in operation at the time of promulgation of the applicable regulation. (*Air Pollution Control Board; 326 IAC 1-2-26; filed Mar 10, 1988, 1:20 pm: 11 IR 2371*)

**326 IAC 1-2-27 “Facility” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 27. Any one (1) structure, piece of equipment, installation or operation which emits or has the potential to emit any air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for the purpose of this rule (326 IAC 1-2). (*Air Pollution Control Board; 326 IAC 1-2-27; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-28 “Farming operation” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 28. That business concerned with the planting, harvesting, and/or marketing of crops and the raising of animals. This does not include nurseries, tree farms, or sod production. (*Air Pollution Control Board; 326 IAC 1-2-28; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-28.5 “Federally enforceable” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 28.5. “Federally enforceable” means all limitations and conditions which are enforceable by the U.S. EPA administrator, including those requirements developed for the following:

- (1) Standards of performance for new stationary sources contained in 40 CFR 60\*.
- (2) National emission standards for hazardous air pollutants contained in 40 CFR 61\*.
- (3) Requirements within any applicable state implementation plan.
- (4) Any permit requirements contained in 40 CFR 52.21\* or under regulations approved under the review of new sources and modifications established in 40 CFR 51, Subpart I\*. This includes operating permits issued under a U.S. EPA approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program.

\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-28.5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1223*)

**326 IAC 1-2-29 “Flare” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1



Sec. 29. An elevated combustion device that burns waste gases. (*Air Pollution Control Board; 326 IAC 1-2-29; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-29.5 “Freeboard height” defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 29.5. “Freeboard height” means the distance, in a cold cleaner degreaser or open top vapor degreaser, between the solvent bath or solvent vapor, if present, and the top edge of the degreaser opening. (*Air Pollution Control Board; 326 IAC 1-2-29.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**326 IAC 1-2-29.6 “Freeboard ratio” defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 29.6. “Freeboard ratio” means the ratio of the freeboard height to the width of the degreaser opening in a cold cleaner degreaser or open top vapor degreaser. (*Air Pollution Control Board; 326 IAC 1-2-29.6; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**326 IAC 1-2-30 “Fugitive dust” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 30. Particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported or redistributed. Note that a different definition for fugitive dust is established in 326 IAC 6-4 for use therein. (*Air Pollution Control Board; 326 IAC 1-2-30; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-31 “Gas collector main” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 31. The pipe or duct through which the gaseous by-products of coking are transported from the offtake piping of coke ovens to the by-product plant. (*Air Pollution Control Board; 326 IAC 1-2-31; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-32 “Gasoline” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 32. A petroleum distillate having a Reid vapor pressure of 27.6 kilo Pascals (4 psi) or greater. (*Air Pollution Control Board; 326 IAC 1-2-32; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-32.1 “Gooseneck cap” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 32.1. “Gooseneck cap” means a device which is located between the damper valve and the coke oven on the standpipe. When open, it vents the coke oven to the atmosphere. (*Air Pollution Control Board; 326 IAC 1-2-32.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**326 IAC 1-2-33 “Governmental unit” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 33. Any agency which has air pollution control, law-making and enforcement jurisdiction, excluding the federal government, which represents any city, county or other local government unit. (*Air Pollution Control Board; 326 IAC 1-2-33; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-33.1 “Grain elevator” definition**

Authority: IC 13-1-1-4; IC 13-7-7-1  
Affected: IC 13-1-1; IC 13-7

Sec. 33.1. “Grain elevator” means an installation at which grains are weighed, cleaned, dried, loaded, unloaded, and placed in storage. The term does not include any portion of the installation at which activities other than those described in this section are conducted. (*Air Pollution Control Board; 326 IAC 1-2-33.1; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**326 IAC 1-2-33.2 “Grain terminal elevator” definition**

Authority: IC 13-1-1-4; IC 13-7-7-1  
Affected: IC 13-1-1; IC 13-7

Sec. 33.2. “Grain terminal elevator” means any grain elevator which has greater than the following capacity:

- (1) Two million five hundred thousand (2,500,000) U.S. bushels certified storage.
- (2) Ten million (10,000,000) bushels annual grain throughput.

(*Air Pollution Control Board; 326 IAC 1-2-33.2; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**326 IAC 1-2-33.5 “Hazardous air pollutant” definition**

Authority: IC 13-1-1-4; IC 13-7-7-1  
Affected: IC 13-1-1; IC 13-7

Sec. 33.5. “Hazardous air pollutant” means any air pollutant listed pursuant to Section 112(b) of the Clean Air Act. (*Air Pollution Control Board; 326 IAC 1-2-33.5; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**326 IAC 1-2-34 “Incinerator” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 34. An engineered apparatus that burns waste substances with controls on combustion factors including, but not limited to, temperature, retention time, and air. (*Air Pollution Control Board; 326 IAC 1-2-34; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-34.1 “Jumper pipe” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 34.1. “Jumper pipe” means a section of U-shaped pipe which is positioned on the top of an oven opposite to the side having the collector main. The pipe is used during the charging operation to vent the visible emissions, particulate matter, and gases generated from the oven being charged to an adjacent oven. (*Air Pollution Control Board; 326 IAC 1-2-34.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**326 IAC 1-2-35 “Larry car” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 35. A vehicle which transfers and introduces coal into a coke oven. (*Air Pollution Control Board; 326 IAC 1-2-35; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-36 “Lowest achievable emission rate” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 36. For any facility, that rate of emissions which reflects the more stringent of the following:

(1) the most stringent emissions limitation and/or the limitation resulting from equipment standards which are contained in the state implementation plan for such class or category of facility unless the owner or operator of the proposed facility demonstrates to the commissioner that such limitations are not achievable or;

(2) the most stringent emissions limitation resulting from equipment standards or which has been achieved in practice by such class or category of facility.

(*Air Pollution Control Board; 326 IAC 1-2-36; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-37 “Luting material” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 37. A mud/slurry mixture used to obtain a seal and to minimize emissions from the charge port lids and standpipe caps.

(*Air Pollution Control Board; 326 IAC 1-2-37; filed Mar 10, 1988, 1:20 pm: 11 IR 2372*)

**326 IAC 1-2-38 “Major facility” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 38. Any facility which has the potential to emit one hundred (100) tons or more per year of any one (1) regulated pollutant. (*Air Pollution Control Board; 326 IAC 1-2-38; filed Mar 10, 1988, 1:20 pm: 11 IR 2373*)

**326 IAC 1-2-39 “Malfunction” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 39. Any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner. (*Air Pollution Control Board; 326 IAC 1-2-39; filed Mar 10, 1988, 1:20 pm: 11 IR 2373*)

**326 IAC 1-2-40 “Material” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 40. Includes all biodegradable and non-biodegradable substances including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood and wood products. (*Air Pollution Control Board; 326 IAC 1-2-40; filed Mar 10, 1988, 1:20 pm: 11 IR 2373*)

**326 IAC 1-2-41 “Military specifications” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 41. Any specifications relating to or controlling the volatile organic compound make-up of paints used for covering military goods and which have been established as a requirement by any branch of the United States Armed Services. (*Air Pollution Control Board; 326 IAC 1-2-41; filed Mar 10, 1988, 1:20 pm: 11 IR 2373*)

**326 IAC 1-2-42 “Modification” definition**

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

Sec. 42. “Modification” means one (1) or more of the following activities at an existing source:

(1) A physical change or change in the method of operation of any existing emissions unit that increases the potential to emit any regulated pollutant that could be emitted from the emissions unit, or that results in emissions of any regulated pollutant not previously emitted.

(2) Construction of one (1) or more new emissions units that have the potential to emit regulated air pollutants.

(3) Reconstruction of one (1) or more existing emissions units that increases the potential to emit any regulated air pollutant.

*(Air Pollution Control Board; 326 IAC 1-2-42; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Jul 15, 1993, 5:00 p.m.: 16 IR 2825; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)*

**326 IAC 1-2-43 “Natural growth” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 43. Trees, brush, or other vegetation in its natural state either dead or alive. *(Air Pollution Control Board; 326 IAC 1-2-43; filed Mar 10, 1988, 1:20 pm: 11 IR 2373)*

**326 IAC 1-2-44 “Necessary preconstruction approvals for permits” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 44. Those permits or approvals required by the permitting authority under the Indiana state implementation plan as a precondition to undertaking construction. *(Air Pollution Control Board; 326 IAC 1-2-44; filed Mar 10, 1988, 1:20 pm: 11 IR 2373)*

**326 IAC 1-2-45 “New facility” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 45. Any facility which commences construction after the promulgation date of the applicable section of this title (326 IAC). *(Air Pollution Control Board; 326 IAC 1-2-45; filed Mar 10, 1988, 1:20 pm: 11 IR 2373)*

**326 IAC 1-2-46 “Nonattainment areas” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 46. A geographical area designated by the board as not meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3. *(Air Pollution Control Board; 326 IAC 1-2-46; filed Mar 10, 1988, 1:20 pm: 11 IR 2373)*

**326 IAC 1-2-47 “Noncombustible container” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 47. A container that can withstand a temperature of 1500° F. *(Air Pollution Control Board; 326 IAC 1-2-47; filed Mar 10, 1988, 1:20 pm: 11 IR 2373)*

**326 IAC 1-2-48 “Nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” definition**

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

Sec. 48. (a) “Nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) in 40 CFR 51.100(s)(1)\*. The air pollution control board incorporates by reference 40 CFR 51.100(s)(1)\*.

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

\*This document is incorporated by reference. Copies referenced in this section 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 1-2-48; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704; filed May 21, 2002, 10:20 a.m.: 25 IR 3055*)

**326 IAC 1-2-49 “Offtake piping” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 49. Piping extending from the connection on the top of a coke oven to and including the connection on the gas collector main. Offtake piping includes the standpipe and gooseneck. (*Air Pollution Control Board; 326 IAC 1-2-49; filed Mar 10, 1988, 1:20 pm: 11 IR 2374*)

**326 IAC 1-2-49.5 “Open top vapor degreaser” defined**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 49.5. “Open top vapor degreaser” means a tank containing organic solvent which is heated to its boiling point for the purpose of cleaning or degreasing articles by passing the articles through or over the solvent bath. (*Air Pollution Control Board; 326 IAC 1-2-49.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**326 IAC 1-2-50 “Oven door” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 50. The vertical face of a coke oven between the bench and the top of the battery and between two (2) adjacent back-stays. (*Air Pollution Control Board; 326 IAC 1-2-50; filed Mar 10, 1988, 1:20 pm: 11 IR 2374*)

**326 IAC 1-2-51 “Owner or operator” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 51. Any person who owns, leases, controls, operates or supervises a facility, an air pollutant emission source or air pollution control equipment. (*Air Pollution Control Board; 326 IAC 1-2-51; filed Mar 10, 1988, 1:20 pm: 11 IR 2374*)

**326 IAC 1-2-52 “Particulate matter” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 52. Any airborne finely divided solid or liquid material, excluding uncombined water, with an aerodynamic diameter smaller than one hundred (100) micrometers ( $\mu\text{m}$ ).

(1)  $\text{PM}_{10}$ : Any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers ( $\mu\text{m}$ ) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner.

(2) Total suspended particulate (TSP): Any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

*(Air Pollution Control Board; 326 IAC 1-2-52; filed Mar 10, 1988, 1:20 pm: 11 IR 2374; filed Apr 13, 1988, 3:35 pm: 11 IR 3020)*

**326 IAC 1-2-53 “Portable incinerator” definition (Repealed)**

Sec. 53. *(Repealed by Air Pollution Control Board; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1128)*

**326 IAC 1-2-54 “Positive net air quality benefit” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 54. The net result of offsetting new allowable emissions with reduced actual or allowable emissions such that the net sum of the projected changes in the ambient air quality in the affected area will be positive and that at no receptor will there be a significant increase in the pollutant levels due to the projected changes. However, in no event will credit for positive net air quality benefit be given for sources which merely achieve compliance with the applicable allowable emission limits by reducing actual emissions to said allowable limits. *(Air Pollution Control Board; 326 IAC 1-2-54; filed Mar 10, 1988, 1:20 pm: 11 IR 2374)*

**326 IAC 1-2-55 “Potential emissions” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 55. Emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollution control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum annual rated capacity unless hours of operation are limited by enforceable permit conditions. Potential emissions from a facility shall take into account the hours of operation per year and shall be calculated according to federal emission guidelines in AP 42-most recent edition-Compilation of Air Pollution Factors, or calculated based on stack test data or other equivalent data acceptable to the commissioner. *(Air Pollution Control Board; 326 IAC 1-2-55; filed Mar 10, 1988, 1:20 pm: 11 IR 2374)*

**326 IAC 1-2-56 “Pre-carbonization” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 56. The process by which coal is pulverized, preheated, and conveyed hot to the oven to be charged. *(Air Pollution Control Board; 326 IAC 1-2-56; filed Mar 10, 1988, 1:20 pm: 11 IR 2374)*

**326 IAC 1-2-57 “Primary chamber” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 57. The chamber in which waste material is ignited and burned. *(Air Pollution Control Board; 326 IAC 1-2-57; filed Mar*

10, 1988, 1:20 pm: 11 IR 2374)

**326 IAC 1-2-58 “Process” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 58. Any action, operation, or treatment and the equipment used in connection therewith, and all methods or forms of manufacturing or processing that may emit air contaminants. (*Air Pollution Control Board; 326 IAC 1-2-58; filed Mar 10, 1988, 1:20 pm: 11 IR 2374*)

**326 IAC 1-2-59 “Process weight; weight rate” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 59. (a) Process weight: The total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight but liquid and gaseous fuels and combustion air will not.

(b) Process weight rate: (1) For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(2) For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

When the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation for this definition, the interpretation that results in the minimum value for allowable emission shall apply. (*Air Pollution Control Board; 326 IAC 1-2-59; filed Mar 10, 1988, 1:20 pm: 11 IR 2374*)

**326 IAC 1-2-60 “Pushing” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 60. The operation by which coke is removed from the coke oven and transported to the quench area. The operation begins with the first visible movement of coke and ends when the quenching operation is commenced. (*Air Pollution Control Board; 326 IAC 1-2-60; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-61 “Push-side” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 61. That side of a coke oven in which a ram is inserted to push the coke out through the coke-side door. (*Air Pollution Control Board; 326 IAC 1-2-61; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-62 “Qualified observer” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 62. Any person who has successfully completed a state or U.S. EPA approved visible emission evaluation course and is currently certified as such. (*Air Pollution Control Board; 326 IAC 1-2-62; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-62.1 “Quench car” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-2; IC 13-7-1

Sec. 62.1. “Quench car” means movable car on rails that is self-propelled or propelled by a locomotive and designed to receive

the charge of hot coke pushed from an oven of a coke battery. The quench car transports the coke to a quench tower for quenching and is designed to allow the water which does not evaporate to drain into a sump. (*Air Pollution Control Board; 326 IAC 1-2-62.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**326 IAC 1-2-63 “Quenching” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 63. The operation by which the combustion of hot coke is stopped by the application of water or any other means achieving the same effect. (*Air Pollution Control Board; 326 IAC 1-2-63; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-63.1 “Quench reservoir” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 63.1. “Quench reservoir” means a tank, usually located near the top of a quench tower, that holds sufficient water to quench the hot coke carried by the quench car. (*Air Pollution Control Board; 326 IAC 1-2-63.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**326 IAC 1-2-63.2 “Quench tower” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 63.2. “Quench tower” means a chimney-like structure equipped with a water spray system and a sump to catch the excess water. The tower is designed to accommodate a quench car which is positioned under the tower prior to a quench. During the quenching of coke, the water flows from the quench reservoir into the nozzles by gravity and is dispersed onto the hot coke held by the quench car. (*Air Pollution Control Board; 326 IAC 1-2-63.2; filed May 12, 1993, 11:30 a.m.: 16 IR 2364*)

**326 IAC 1-2-64 “Reasonable further progress” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 64. The annual incremental reductions in emissions of a pollutant which are sufficient in the judgment of the commissioner to provide reasonable progress towards attainment of the applicable ambient air quality standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act. (*Air Pollution Control Board; 326 IAC 1-2-64; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-64.1 “Reasonably available control technology” or “RACT” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 64.1. “Reasonably available control technology” or “RACT” means control technology that is reasonably available and both technologically and economically feasible. (*Air Pollution Control Board; 326 IAC 1-2-64.1; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224*)

**326 IAC 1-2-65 “Reconstruction” definition**

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

Affected: IC 13-11

Sec. 65. An emissions unit shall be considered to be reconstructed when the fixed capital cost of the new components exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new emissions unit. The fixed capital cost of components shall



reflect any exceptions granted under 40 CFR 60\*.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-65; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2375; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

**326 IAC 1-2-66 “Regulated pollutant” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 66. Any pollutant for which a rule establishing emission limitations or requirements has been promulgated by the board. (*Air Pollution Control Board; 326 IAC 1-2-66; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-67 “Reid vapor pressure” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 67. The absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Reapproved 1977). (*Air Pollution Control Board; 326 IAC 1-2-67; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-68 “Related facilities” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 68. Any group of facilities within a source (other than major facilities, as defined in 326 IAC 1-2-38) which, in combination, have the potential to emit twenty-five (25) tons or more per year of any one (1) regulated pollutant and which in the judgment of the commissioner contribute so much together (rather than individually) to the facility’s or source’s emissions that a single operating permit (rather than individual permits for each facility) is warranted. (*Air Pollution Control Board; 326 IAC 1-2-68; filed Mar 10, 1988, 1:20 pm: 11 IR 2375*)

**326 IAC 1-2-69 “Respirable dust” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 69. Particles in the range of 0.5 microns to 6.0 microns in diameter. (*Air Pollution Control Board; 326 IAC 1-2-69; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-70 “Secondary chamber” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 70. The chamber in which combustible solids, vapors, and/or gases from the primary chamber either are collected or are ignited and burned. (*Air Pollution Control Board; 326 IAC 1-2-70; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-71 “Shutdown condition” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 71. The cessation of operation of emission control equipment for any purpose. (*Air Pollution Control Board; 326 IAC*

1-2-71; filed Mar 10, 1988, 1:20 pm: 11 IR 2376)

**326 IAC 1-2-72 “Solvent” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 72. Organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents. (*Air Pollution Control Board; 326 IAC 1-2-72; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-73 “Source” definition**

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

Affected: IC 13-11

Sec. 73. An aggregation of one (1) or more stationary emissions units that are located on one (1) piece of property or on contiguous or adjacent properties are owned or operated by the same person (or by persons under common control) and belong to a single major industrial grouping. For purposes of defining a source, two (2) or more contiguous or adjacent properties shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such contiguous or adjacent properties belong to the same major group, that is, all have the same two (2) digit Standard Industrial Classification (SIC) code as described in the Standard Industrial Classification Manual, 1987. 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. A source does not include mobile sources, nonroad engines, or nonroad vehicles. (*Air Pollution Control Board; 326 IAC 1-2-73; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2376; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979*)

**326 IAC 1-2-74 “Stack” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 74. A vertical duct originating within the facility, the area and other physical parameters of which are quantifiable (including the quantity of pollutants emitted) and the use of which results in any immediate, physical pollutant plume whose characteristics continuously are determined by the operation of the facility. Any stack as defined herein with a horizontal discharge, or an elevated flare shall be considered to be a stack for the purpose of these rules (326 IAC). (*Air Pollution Control Board; 326 IAC 1-2-74; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-75 “Standard conditions” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 75. A gas temperature of 70° F. and a gas pressure of 14.7 pounds per square inch absolute (psia). (*Air Pollution Control Board; 326 IAC 1-2-75; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-76 “Startup condition” definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 76. The setting in operation of a facility or of emission control equipment for any purpose. (*Air Pollution Control Board; 326 IAC 1-2-76; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-77 “Standpipe lid” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 77. The lid covering the opening on the gooseneck which can be opened to provide access to remove constricting carbonaceous buildup in the piping. The standpipe lid is also used for purposes of decarbonizing the oven. (*Air Pollution Control Board; 326 IAC 1-2-77; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-78 “State implementation plan (SIP)” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 78. The state plan of the department of environmental management which provides for implementation, maintenance and enforcement of the primary and secondary ambient air quality standards in Indiana. (*Air Pollution Control Board; 326 IAC 1-2-78; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-79 “Stationary incinerator” definition (Repealed)**

Sec. 79. (*Repealed by Air Pollution Control Board; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1128*)

**326 IAC 1-2-80 “Tank wagon” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 80. A straight four- or six-wheel truck with a tank mounted on the chassis typically with a capacity of approximately two thousand (2,000) gallons and used to dispense liquid petroleum products. (*Air Pollution Control Board; 326 IAC 1-2-80; filed Mar 10, 1988, 1:20 pm: 11 IR 2376*)

**326 IAC 1-2-81 “Temporary emissions” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 81. Those emissions resulting from operations not exceeding two (2) years in duration at one (1) location. (*Air Pollution Control Board; 326 IAC 1-2-81; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-82 “Theoretical air” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 82. The exact amount of air required to supply the required oxygen for complete combustion for a given quantity of a specific fuel or waste. (*Air Pollution Control Board; 326 IAC 1-2-82; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-83 “Transfer efficiency” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 83. The weight (or volume) of coating solids adhering to an object divided by the total weight (or volume) of coating solids used in application processes. (*Air Pollution Control Board; 326 IAC 1-2-83; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-84 “Transport” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 84. A tractor semi-trailer capable of hauling a maximum load permissible by law of liquid petroleum products with various sized compartment and typically a total capacity of approximately eight thousand (8,000) gallons. (*Air Pollution Control Board; 326 IAC 1-2-84; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-85 “True vapor pressure” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 85. The equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, “Evaporation Loss from Floating Roof Tanks,” 1962. (*Air Pollution Control Board; 326 IAC 1-2-85; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-86 “Unclassifiable (unclassified) areas” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 86. A geographical area which cannot be classified as attainment or nonattainment on the basis of available information, but for the purpose of establishing emission limitations in the applicable rule, an area comparable to an attainment area. (*Air Pollution Control Board; 326 IAC 1-2-86; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-87 “Underfire” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 87. The term used to describe the combustion mechanism by which coke ovens are heated. (*Air Pollution Control Board; 326 IAC 1-2-87; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-88 “Vapor balance system” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 88. A combination of pipes and/or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded. (*Air Pollution Control Board; 326 IAC 1-2-88; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-89 “Vapor control system” definition**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 89. A system that prevents release to the atmosphere more than 80 mg/l of organic compounds in the vapors displaced from a tank during the transfer of gasoline. (*Air Pollution Control Board; 326 IAC 1-2-89; filed Mar 10, 1988, 1:20 pm: 11 IR 2377*)

**326 IAC 1-2-90 “Volatile organic compound (VOC)” definition**

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

Sec. 90. (a) “Volatile organic compound” or “VOC” means any compound of carbon excluding the following:

(1) Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(2) Any organic compound which has been determined to have negligible photochemical reactivity listed in section 48 of this rule. VOC content shall be measured in accordance with 326 IAC 8-1-4.

(b) For purposes of determining compliance with emission limits, volatile organic compounds will be measured by the test methods in this title or 40 CFR 60, Appendix A\*, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the commissioner.

(c) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the commissioner may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the commissioner, the amount of negligibly-reactive compounds in the source's emissions.

(d) For purposes of federal enforcement for a specific source, the U.S. EPA shall use the test methods specified in Indiana's approved state implementation plan, in a permit issued pursuant to a program approved or promulgated under:

(1) Title V of the Clean Air Act;

(2) 40 CFR 51, Subpart I\*;

(3) 40 CFR 51, Appendix S\*;

(4) 40 CFR 52\*; or

(5) 40 CFR 60\*.

The U.S. EPA shall not be bound by any state determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the provisions listed in this subsection.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the pertinent sections of the CFR are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-90; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2377; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed May 9, 1990, 5:00 p.m.: 13 IR 1847; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2828; filed Sep 5, 1995, 12:00 p.m.: 19 IR 30*)

### **326 IAC 1-2-91 "Wood products" definition**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 91. Material consisting of untreated wood or vegetation. (*Air Pollution Control Board; 326 IAC 1-2-91; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2377; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1126*)

## **Rule 3. Ambient Air Quality Standards**

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

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-5

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

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

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

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

(*Air Pollution Control Board; 326 IAC 1-3-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2378; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-3-2 Sampling procedures**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-1-1-5; IC 13-7-1-1; IC 13-7-5-1; IC 13-7-7-5

Sec. 2. Procedures to sample the ambient air quality in the state shall be conducted in accordance with 40 CFR 50, and appendices or other equivalent methods approved by the commissioner. (*Air Pollution Control Board; 326 IAC 1-3-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2378; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-3-3 Quality assurance guidelines**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-5

Sec. 3. Quality assurance of sampling methods and analysis of ambient air quality samples shall be in accordance with the guidelines established by the commissioner. (*Air Pollution Control Board; 326 IAC 1-3-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2378; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-3-4 Ambient air quality standards**

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

Affected: IC 13-17-3-4

Sec. 4. The following ambient air quality standards, corrected to a reference temperature of 25° C. and to a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two-tenths (1,013.2 millibars)), as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), shall apply:

(1) Sulfur Oxides as Sulfur Dioxide ( $\text{SO}_2$ ):

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

(i) Eighty (80)  $\mu\text{g}/\text{m}^3$  (three-hundredth (0.03) ppm) annual arithmetic mean.

(ii) Three hundred sixty-five (365)  $\mu\text{g}/\text{m}^3$  (fourteen-hundredth (0.14) ppm) maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent the maximum permissible ambient air quality levels: one thousand three hundred (1,300)  $\mu\text{g}/\text{m}^3$  (five-tenth (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year.

(C) Sulfur dioxide values may be converted to parts per million (ppm) using the conversion factor two thousand six hundred twenty (2,620)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

(2) Total Suspended Particulate (TSP):

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

(i) Seventy-five (75)  $\mu\text{g}/\text{m}^3$  annual geometric mean.

(ii) Two hundred sixty (260)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent maximum permissible ambient air quality levels: one hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(3) Carbon Monoxide (CO):

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

(i) Ten (10) milligrams per cubic meter (ten thousand (10,000)  $\mu\text{g}/\text{m}^3$ ) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.

(ii) Forty (40) milligrams per cubic meter (forty thousand (40,000)  $\mu\text{g}/\text{m}^3$ ) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.

(B) Carbon monoxide values may be converted to parts per million (ppm) using the conversion factor one thousand one hundred forty-five (1,145)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

(4) Ozone ( $\text{O}_3$ ):

- (A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality level: the expected number of days with maximum hourly ozone concentrations above two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$  (twelve-hundredths (0.12) ppm) shall not exceed one (1) per calendar year.
- (B) Ozone ( $\text{O}_3$ ) values may be converted to parts per million (ppm) using the conversion factor one thousand nine hundred sixty-five (1,965)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .
- (5) Nitrogen Dioxide ( $\text{NO}_2$ ):
- (A) For primary and secondary standard [*sic., standards*], the following value shall represent the maximum permissible ambient air quality level: one hundred (100)  $\mu\text{g}/\text{m}^3$  (five-hundredth (0.05) ppm) annual arithmetic mean.
- (B) Nitrogen dioxide values may be converted to parts per million (ppm) using the conversion factor one thousand eight hundred eighty (1,880)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .
- (6) Lead (Pb): (A) For primary and secondary standard, the following value shall represent the maximum permissible ambient air quality level: one and five-tenth (1.5) micrograms lead per cubic meter of air ( $\mu\text{g}$  of  $\text{Pb}/\text{m}^3$ ), averaged over a calendar quarter and measured as elemental lead.
- (7)  $\text{PM}_{10}$ : (A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:
- (i) Fifty (50)  $\mu\text{g}/\text{m}^3$  annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K\*, is less than or equal to fifty (50)  $\mu\text{g}/\text{m}^3$ .
  - (ii) One hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix K\*, is equal to or less than one (1).

\*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 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055*)

**Rule 4. Nonattainment/Attainment/Unclassifiable Area Designations for Sulfur Dioxide; Total Suspended Particulates, Carbon Monoxide; Ozone; and Nitrogen Dioxides**

**326 IAC 1-4-1 Designations**

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 air pollution control board incorporates by reference 40 CFR 81.315\* concerning attainment status designations.

\*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 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056*)

**Rule 5. Episode Alert Levels**

**326 IAC 1-5-1 Scope of rule**

Authority: IC 13-1-1-4; IC 13-7-5-1  
 Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-5-1; IC 13-7-7-2

Sec. 1. This rule (326 IAC 1-5) establishes air pollution episode levels based on concentrations of the criteria pollutants in the ambient air. The minimum levels listed in 326 IAC 1-5-4 are the basis upon which the episode levels are established. As these levels are reached and verified, the appropriate episode level will be activated. The "control actions" required under each episode

level shall include, but are not limited to, the actions listed for the appropriate episode level in the emergency reduction plan (ERP) required to be submitted to the commissioner by applicable major air pollution sources. (*Air Pollution Control Board; 326 IAC 1-5-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2379; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-5-2 Emergency reduction plans; submission**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 2. All persons responsible for the operation of a source that has the potential to emit one hundred (100) tons per year, or more, of any pollutant shall prepare, and submit to the commissioner, for approval, written emergency reduction plans consistent with safe operating procedures. Said submittal shall be made no later than December 19, 1979, or one-hundred eighty (180) days from the date on which a new source commences operation. If the ERP is disapproved [*sic.*], the source shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP. These ERP's shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants. Said ERP's shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved. (*Air Pollution Control Board; 326 IAC 1-5-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2379; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-5-3 Implementation of approved plans**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 3. Upon direct notification by the commissioner or authorized representative that a specific air pollution episode level is in effect, all operators of facilities required by the provisions of this rule (326 IAC 1-5) to have submitted an ERP shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. (*Air Pollution Control Board; 326 IAC 1-5-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2379; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-5-4 Episode levels; alerts; warnings; emergencies**

Authority: IC 13-1-1-4; IC 13-1-1-7; IC 13-7-7; IC 13-7-12  
 Affected: IC 13-1-1; IC 13-7-12

Sec. 4. (a) Air pollution alert: When the concentration of the contaminants listed below reaches an alert level, first stage control action must begin. An alert will be declared by the commissioner when any one of the following levels is reached at any sampling site:

- (1) SO<sub>2</sub>: 0.30 parts per million (ppm) 800 micrograms per cubic meter (µg/m<sup>3</sup>), 24-hour average.
- (2) Particulate: 375 µg/m<sup>3</sup>, 24-hour average. A measurement of 3.0 COH (Coefficient of haze), 24-hour average indicates the possibility of an alert level; however, the 375 limit must be reached before an alert may be declared.
- (3) CO: 15 ppm (17 mg/m<sup>3</sup>), 8-hour average.
- (4) O<sub>3</sub>: 0.2 ppm (400 µg/m<sup>3</sup>), 1-hour average.
- (5) NO<sub>x</sub>: 0.6 ppm (1130 µg/m<sup>3</sup>), 1-hour average, or 0.15 ppm (282 µg/m<sup>3</sup>), 24-hour average.
- (6) PM<sub>10</sub>: 350 µg/m<sup>3</sup>, 24-hour average.

(b) Air pollution warning: When the concentration of contaminants listed below indicates that air quality is continuing to degrade, second stage control actions must begin. A warning will be declared by the commissioner when any one of the following levels is reached at any representative sampling site and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or to increase, or in the case of oxidants, the situation is likely to recur within the next 24-hours unless control actions are taken:

- (1) SO<sub>2</sub>: 0.6 ppm (1600 µg/m<sup>3</sup>), 24-hour average.
- (2) Particulate: 625 µg/m<sup>3</sup>, 24-hour average. A measurement of 5.0 COH's, 24-hour average indicates the possibility of a warning; however, the 625 limit must be reached before a warning may be declared.
- (3) CO: 30 ppm (34 mg/m<sup>3</sup>), 8-hour average.
- (4) O<sub>3</sub>: 0.40 ppm (800 µg/m<sup>3</sup>), 1-hour average.



(5) NO<sub>x</sub>: 1.2 ppm (2260 µg/m<sup>3</sup>), 1-hour average, or 0.30 ppm (565 µg/m<sup>3</sup>), 24-hour average.

(6) PM<sub>10</sub>: 420 µg/m<sup>3</sup>, 24-hour average.

(c) Air pollution emergency: The commissioner shall request that the governor of the state of Indiana declare an emergency pursuant to IC 13-1-1-7 and IC 13-7-12 when one of the criteria contaminants listed below reaches the following levels and (1) the concentrations of the pollutants are continuing to increase, or (2) the commissioner determines that, because of meteorological or other factors, the concentrations may remain at such levels or may continue to increase:

(1) SO<sub>2</sub>: 0.8 ppm (2100 µg/m<sup>3</sup>), 24-hour average.

(2) Particulate: 875 µg/m<sup>3</sup>, 24-hour average. A measurement of 7.0 COH's, 24-hour average indicates the possibility of an emergency; however, the 875 limit must be reached before an emergency may be declared.

(3) CO: 40.0 ppm (46 mg/m<sup>3</sup>), 8-hour average.

(4) O<sub>3</sub>: 0.50 ppm (1000 µg/m<sup>3</sup>), 1-hour average.

(5) NO<sub>x</sub>: 1.6 ppm (3000 µg/m<sup>3</sup>), 1-hour average, or .4 ppm (750 µg/m<sup>3</sup>), 24-hour average.

(6) PM<sub>10</sub>: 500 µg/m<sup>3</sup>, 24-hour average.

*(Air Pollution Control Board; 326 IAC 1-5-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2379; filed Apr 13, 1988, 3:35 pm: 11 IR 3021; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 1-5-5 Termination of episode level**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-7

Sec. 5. Once declared, any episode level reached by application of 326 IAC 1-5-4 shall remain in effect until the criteria for the level are no longer met. At that time, the commissioner, based on the information available, shall declare the next lower episode level to be in effect and the commissioner shall notify the operators of the affected facilities of said declaration. *(Air Pollution Control Board; 326 IAC 1-5-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2380; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

## **Rule 6. Malfunctions**

### **326 IAC 1-6-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to the owner or operator of any facility required to obtain a permit under 326 IAC 2-5.1 or 326 IAC 2-6.1. *(Air Pollution Control Board; 326 IAC 1-6-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2380; filed May 25, 1994, 11:00 a.m.: 17 IR 2238; filed Nov 25, 1998, 12:13 p.m.: 22 IR 980)*

### **326 IAC 1-6-2 Records; notice of malfunction**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 2. (a) A record shall be kept of all malfunctions, including startups or shutdowns of any facility or emission control equipment which result in violations of applicable air pollution control regulations or applicable emission limitations and such records shall be retained for a period of three (3) years and shall be made available to the commissioner upon request. When a malfunction of any facility or emission control equipment occurs which lasts more than one (1) hour, said condition shall be reported to the commissioner or his appointed representative. Notification shall be made by telephone or telegraph, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of said occurrence. Failure to report a malfunction of any emission control equipment subject to the requirements of this rule (326 IAC 1-6) shall constitute a violation of this rule (326 IAC 1-6) and any other applicable rules. Information of the scope and expected duration of the malfunction shall be provided including the following:

(1) Identification of the specific emission control device to be taken out of service, as well as the location and permit number of such equipment.

(2) The expected length of time that the emission control equipment will be out of service.

- (3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.
- (4) Any measures such as the use of off-shift labor on equipment that will be utilized to minimize the length of the shutdown period.
- (5) Any reasons that shutdown of the facility operation during the maintenance period would be impossible for the following reason:
  - (A) continued operation is required to provide essential services, provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be sufficient reason;
  - (B) continued operation is necessary to prevent injury to persons or severe damage to equipment.
- (6) A demonstration that interim control measures have reduced or will reduce emissions from the facility during the shutdown period.

*(Air Pollution Control Board; 326 IAC 1-6-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2380; errata, 11 IR 2632)*

### **326 IAC 1-6-3 Preventive maintenance plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 3. (a) Any person responsible for operating any facility specified in 326 IAC 1-6-1 shall prepare and maintain a preventive maintenance plan including the following information:

- (1) Identification of the individual(s) responsible for inspecting, maintaining and repairing emission control devices.
- (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions.
- (3) Identification and quantification of the replacement parts which will be maintained in inventory for quick replacement.
- (b) Preventive maintenance plans shall be submitted to the commissioner upon request and shall be subject to review and approval by the commissioner. As deemed necessary by the commissioner, any person operating a facility shall comply with the requirements of subsection (a) of this section. *(Air Pollution Control Board; 326 IAC 1-6-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

### **326 IAC 1-6-4 Conditions under which malfunction not considered violation**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 4. (a) Facility owners or operators shall be responsible for operating and maintaining all emission control equipment and combustion or process equipment or processes in compliance with all applicable rules. Emissions temporarily exceeding the standards which are due to malfunctions of facilities or emission control equipment shall not be considered a violation of the rules provided the source demonstrates that:

- (1) All reasonable measures were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the allowable limits, including the use of off-shift and over-time labor, if necessary.
- (2) All possible steps were taken to minimize the impact of the excessive emissions on ambient air quality which may include but not be limited to curtailment of operation and/or shutdown of the facility.
- (3) Malfunctions have not exceeded five percent (5%), as a guideline, of the normal operational time of the facility.
- (4) The malfunction is not due to the negligence of the operator.
- (b) No facility shall be operated unless the air pollution control device(s) and measures are also in operation simultaneously and are not bypassed, unless necessary to prevent damage to equipment or injury to persons or unless there is a malfunction and the requirements set forth in subsection (a) of this section are met.
- (c) Excessive emissions shall be brought into compliance with all practicable speed, and appropriate action, including those set forth above, to correct the conditions causing such emissions to exceed applicable limits; to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. These actions shall be initiated as expeditiously as practicable. *(Air Pollution Control Board; 326 IAC 1-6-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

**326 IAC 1-6-5 Excessive malfunctions; department actions**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 5. The commissioner may consider the following guidance in determining cases of excessive malfunctions. Where records show that repeated malfunctions exceed five percent (5%), as a guideline, of the normal operational time for any one control device or combustion or process equipment, the commissioner may require that the maintenance program be improved or that the defective or faulty equipment or emission control device be replaced. The commissioner may require curtailment of operation of a facility if the owner or operator of the facility or emission control device cannot demonstrate that for the most recent twelve (12) month period the facility and/or the emission control device has operated in compliance with the applicable rules at least ninety-five percent (95%) of the operating time of said equipment. *(Air Pollution Control Board; 326 IAC 1-6-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

**326 IAC 1-6-6 Malfunction emission reduction program**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 6. Any owner or operator of a facility which has the potential to emit concentration in excess of the concentrations stated in 326 IAC 1-6-1 shall submit by January 19, 1980, or within one hundred eighty (180) days after a new source commences operation, a malfunction emission reduction program. Said program shall include, but not be limited to, the normal operating emission rate and the program proposed to reduce emissions in the event of a malfunction to an emission rate which will not contribute to the cause of the violation of the ambient air quality standards established in 326 IAC 1-3. The program shall be based on the best estimates of type and number of startups, shutdowns, and malfunctions experienced during normal operation of the facility or emission control device and the scope and duration of such conditions.

Said program may be subject to review and approval by the commissioner. *(Air Pollution Control Board; 326 IAC 1-6-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2382)*

**Rule 7. Stack Height Provisions**

**326 IAC 1-7-1 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 1. This rule (326 IAC 1-7) shall apply to:

- (1) All sources having exhaust gas stacks through which a potential of twenty-five (25) tons per year or more of particulate matter are emitted.
- (2) All sources having exhaust gas stacks through which a potential of twenty-five (25) tons per year or more of sulfur dioxide are emitted.
- (3) All dispersion techniques used in ambient air quality modeling for the purpose of establishing an emission limitation and for calculating the ambient air quality impact of a source.

*(Air Pollution Control Board; 326 IAC 1-7-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2382; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 1-7-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 2. "Dispersion technique" means any techniques which effect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of the pollutant or by using techniques which have the effect of enhancing plume rise, thereby resulting in greater dispersion. Exemptions from this definition include:

- (1) the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;
  - (2) the use of smoke management in agricultural or silvicultural programs;
  - (3) the episodic restrictions on wood burning;
  - (4) the merging of gas streams where the source or facility was originally designed and constructed with merged gas streams;
- or
- (5) techniques at facilities that emit less than five thousand (5,000) tons per year of sulfur dioxide.

“Elevated terrain” means terrain which exceeds the elevation of the good engineering practice stack height as calculated pursuant to 326 IAC 1-7-4(a).

“Excessive concentrations”, for the purpose of determining good engineering practice stack height in a fluid model or field study, means a maximum concentration due to downwash, wakes, or eddy effects proceeded by structures or terrain features which is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and results in an exceedance of either a national ambient air quality standard (NAAQS) or applicable prevention of significant deterioration (PSD) increment.

“Nearby”, as used in 326 IAC 1-7-4(a), means that distance up to five (5) times the lesser of the height or width dimension of a structure but not greater than 0.8 km (one-half (1/2) mile). The height of the structure is measured from the ground level elevation at the base of the stack. For fluid modeling demonstrations, a terrain feature is considered “nearby” if it begins within 0.8 km (one-half (1/2) mile) of the stack, it achieves a height equal to forty percent (40%) of GEP stack height or twenty-six (26) meters whichever is greater, and extends a distance of up to ten (10) times the height of the terrain feature, not to exceed 3.2 kilometers (two (2) miles).

“Stack” means any point in a source designed to emit solids, gases, or liquids into the air, including a pipe or duct but not including flares. (*Air Pollution Control Board; 326 IAC 1-7-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2382; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-7-3 Actual stack height provisions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 3. (a) All exhaust gas stacks subject to this rule (326 IAC 1-7) for which construction commenced after June 19, 1979, shall be constructed using good engineering practice (GEP). Stack height shall be sufficient to insure that emissions from said stack will not cause excessive ground level concentrations due to atmospheric downwash, wakes, and eddies. The GEP stack height shall be calculated by adding the height of the supporting or the nearby structure, whichever is largest, to 1.5 times the lesser dimension (height or width) of the supporting or nearby structure. The nearby structure shall be within five (5) times the lesser dimension (width or height) of that structure, but shall in no event exceed 0.8 kilometers (one-half (1/2) mile). A greater or lesser stack height may be allowed through wind tunnel, field studies or other methods that show to the satisfaction of the commissioner that no such excessive concentrations, due to less than adequate stack height, will result.

(b) A source for which construction or modification commenced prior to June 19, 1979, may request the commissioner to allow an increase in stack height up to GEP as defined in subsection (a) above. Such increase shall be allowed if:

(1) the source demonstrates to the commissioner that said increase will not cause a violation of the ambient air quality standards as set forth in 326 IAC 1-3 or PSD increments as set forth in 326 IAC 1-2; and

(2) the source demonstrates to the commissioner that such increase is necessary to prevent downwash.

(c) All sources constructed before January 12, 1979, which received full GEP credit, must submit evidence of actual reliance on the 2.5 H formula before full GEP credit may be granted.

(d) All sources constructed after December 31, 1970, that are tied into grandfathered stacks, and all sources constructed prior to December 31, 1970, but for which major modifications have been carried out subsequent to that date, will be prohibited from stack height credit greater than GEP stack height. (*Air Pollution Control Board; 326 IAC 1-7-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2383; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 1-7-4 Ambient air quality modeling; stack height provisions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 4. (a) For the purpose of establishing limits on the maximum stack height credit to be used in ambient air quality modeling and for calculating the air quality impact of a source, the stack height shall be the greater of:

(1) 65 meters;

(2) for stacks in existence on or before January 12, 1979, and for which the owner or operator had all applicable preconstruction permits or approvals as required by 326 IAC 2:

$$H_g = 2.5H;$$

(3) for stacks in existence after January 12, 1979:

$$H_g = H + 1.5L, \text{ where:}$$

$H_g$  = GEP height, measured from the ground level elevation at the base of the stack.

$H$  = Height of nearby structure(s) measured from the ground elevation at the base of the stack.

$L$  = Lesser dimension (height or projected width) of nearby structures.

The commissioner shall require fluid modeling and field studies in cases where the commissioner believes the formulas may significantly overstate the appropriate stack height credit.

(b) Sources shall be modeled at the physical stack height. If the physical stack height exceeds GEP stack height, GEP stack height shall be used in modeling.

(c) The stack height demonstrated by a fluid model or field study, approved by the commissioner, shall ensure that emissions from a stack do not result in excessive concentrations of any pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain.

(d) Emission limitations required for any source shall not be affected by the stack height that exceeds GEP or by any other dispersion technique, except as provided below in subsections (e) and (f) of this section.

(e) Sources which merged stacks before July 8, 1985, can receive credit for such merging if it was done to install pollution control equipment or for other engineering or economic reasons and generally did not result in an emission increase at the source.

(f) Sources which merge stacks after July 8, 1985, will only be granted credit for merging where reductions in the allowable emission rate occurs.

(g) The commissioner shall notify the public of the availability of the stack height demonstration study required by this section, and shall provide the opportunity for a public hearing on said study. (*Air Pollution Control Board; 326 IAC 1-7-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2383; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 1-7-5 Exemptions; limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 5. (a) All sources having less than twenty-five (25) tons per year of actual emissions (after controls) shall be exempt from the requirements specified in 326 IAC 1-7-3(a).

(b) The requirements specified in 326 IAC 1-7-4 shall not apply to stack heights in existence, or dispersion techniques implemented prior to December 31, 1970.

(c) Asphalt concrete plants are exempted from the requirements specified in 326 IAC 1-7-3.

(d) Stack that commenced construction or modifications that would raise them to GEP formula height prior to October 11, 1983, shall not be required to demonstrate GEP height by fluid modeling or field demonstration. (*Air Pollution Control Board; 326 IAC 1-7-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2384; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **ARTICLE 2. PERMIT REVIEW RULES**

### **Rule 1. Construction and Operating Permit Requirements**

#### **326 IAC 2-1-1 Applicability of rule (Repealed)**

Sec. 1. (*Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072*)

#### **326 IAC 2-1-2 Registration (Repealed)**

Sec. 2. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-3 Construction permits (Repealed)**

Sec. 3. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-3.1 Interim construction permit (Repealed)**

Sec. 3.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-3.2 Enhanced new source review (Repealed)**

Sec. 3.2. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-3.3 Maximum achievable control technology (MACT) (Repealed)**

Sec. 3.3. *(Repealed by Air Pollution Control Board; filed Jun 27, 1997, 4:20 p.m.: 20 IR 3011)*

**326 IAC 2-1-3.4 New source toxics control (Repealed)**

Sec. 3.4. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108)*

**326 IAC 2-1-4 Operating permits (Repealed)**

Sec. 4. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-5 Emission limitations (Repealed)**

Sec. 5. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-6 Transfer of permits (Repealed)**

Sec. 6. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-7 Fees (Repealed)**

Sec. 7. *(Repealed by Air Pollution Control Board; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607)*

**326 IAC 2-1-7.1 Fees for registration, construction permits, and operating permits (Repealed)**

Sec. 7.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-8 Appeals of permit denials, revocations or conditions (Repealed)**

Sec. 8. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-9 Revocation of permits (Repealed)**

Sec. 9. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-10 Permit no defense (Repealed)**

Sec. 10. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-11 Local jurisdiction (Repealed)**

Sec. 11. *(Repealed by Air Pollution Control Board; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607)*

**326 IAC 2-1-11.1 Local jurisdiction (Repealed)**

Sec. 11.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-12 Resolution of permitting conflicts (Repealed)**

Sec. 12. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**326 IAC 2-1-13 Board discretion (Repealed)**

Sec. 13. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

**Rule 1.1. General Provisions**

**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 such person. For any public agency, the term means either a ranking elected official, the chief executive officer, or a designated representative of such 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) "Major modification" means a modification to an existing major source to which either 326 IAC 2-2 or 326 IAC 2-3 applies.
- (4) "Major source" means any source or facility to which either 326 IAC 2-2 or 326 IAC 2-3 applies.
- (5) "Minor modification" means a modification to an existing source to which neither 326 IAC 2-2 nor 326 IAC 2-3 applies and is not exempt under section 3 of this rule.
- (6) "Minor physical change" means a change at an existing source that includes, but is not limited to, the following:
  - (A) The reconfiguration of existing equipment.
  - (B) The movement of existing equipment within a building.
  - (C) The replacement, reconfiguration, or addition of ancillary equipment.
  - (D) The replacement, reconfiguration, or addition of supporting devices, such as piping or ductwork.
  - (E) The replacement or addition of air pollution control devices.
- (7) "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.
- (8) "New emissions unit" means an emissions unit for which construction commences on or after the effective date of this rule.
- (9) "New portable source" means any portable operation that has not commenced construction as of the effective date of this

rule or does not have a valid operating permit as of the effective date of this rule.

(10) "New source" means a source for which construction commences on or after the effective date of this rule that will be constructed on undeveloped land or will be constructed at a location for which a valid permit has not been issued.

(11) "Operation" means a single piece of equipment or multiple pieces of like equipment, a process or multiple like processes, a plant or multiple like plants, or any combination of the three (3) that performs similar functions or when operated together produces similar products.

(12) "Plant-wide applicability limit" means a plant-wide enforceable emission limitation established for a stationary source such that subsequent physical or operational changes resulting in emissions that remain less than the limit are excluded from preconstruction or modification approval or operating permit revision requirements under this article.

(13) "Pollution control project" means any activity or project undertaken at an existing emissions unit which, as its primary purpose, reduces regulated air pollutant emissions from such 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 (SO<sub>2</sub>).

(ii) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulates.

(iii) Flue gas recirculation, low-NO<sub>x</sub> burners, selective noncatalytic reduction, and selective catalytic reduction for NO<sub>x</sub>.

(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.

(14) "Pollution prevention project" means any activity or project at an existing emissions unit where the primary purpose of such an 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:

(A) the 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) the hazards to public health and the environment associated with the release of such 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.

(15) "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.

(16) "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. 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.

(17) "Process" means any combination of equipment that is physically connected and operated in sequence that, when the process is operated, could operate independently to generate energy, refine or produce materials or parts, or 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)*

**326 IAC 2-1.1-2 Applicability**

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. 2. (a) This rule applies to the issuance of a registration, permit, modification approval, or operating permit revision required under this article and the sources or emissions unit or units required to obtain a registration, permit, modification approval, or operating permit revision under this article, except where rules in this article establish more specific requirements. No person shall construct, operate, or modify a source or emissions unit required to obtain a registration, permit, modification approval, or operating permit revision prior to issuance of a registration, permit, modification approval, or operating permit revision, except as provided in this article.

(b) Specific registration, permitting, modification approval, and operating permit revision requirements are located in the following provisions of this article:

- (1) Construction of major sources and major modifications in attainment areas under 326 IAC 2-2.
- (2) Construction of major sources and major modifications in nonattainment areas under 326 IAC 2-3.
- (3) Construction or reconstruction of major sources of hazardous air pollutants under 326 IAC 2-4.1.
- (4) Construction of new sources under 326 IAC 2-5.1.
- (5) Operation and modification of minor sources pursuant to registrations under 326 IAC 2-5.5.
- (6) Operation and modification of minor sources pursuant to state operating permits under 326 IAC 2-6.1.
- (7) Operation and modification of major sources pursuant to Part 70 permits under 326 IAC 2-7.
- (8) Operation and modification of minor sources pursuant to federally enforceable state operating permits (FESOPs) under 326 IAC 2-8.
- (9) Operation and modification of minor sources pursuant to source specific operating agreements (SSOAs) under 326 IAC 2-9.
- (10) Operation and modification of sources pursuant to permits-by-rule under 326 IAC 2-10 or 326 IAC 2-11.
- (11) Operation and modification of sources pursuant to general permits under 326 IAC 2-12.
- (12) Modification of sources pursuant to interim permit revision procedures under 326 IAC 2-13.
- (13) Operation and modification of portable sources under 326 IAC 2-14.

(c) The commissioner may require the owner or operator of a source or emissions unit (excluding single-family dwellings) that has the potential to emit any air pollutant to complete a permit application. If after review of a permit application, the commissioner determines that the source or emissions unit is subject to the registration, permit, modification approval, or permit revision provisions under this article and is required to receive such registration, permit, modification approval, or permit revision, the commissioner may require the owner or operator of the source or emissions unit to obtain a construction or operating permit, modification approval, or permit revision prior to constructing, operating, or modifying the source or emissions unit.

(d) The requirement for a registration, permit, modification approval, or permit revision shall be based on the following:

- (1) Unless specifically listed as a source type required to obtain a registration or permit under 326 IAC 2-5.1, the requirement to obtain a registration or permit for construction of a new source shall be based on whether the potential to emit any regulated pollutant from all emissions units at the source exceeds the applicability thresholds in 326 IAC 2-5.1.
- (2) Unless specifically listed as a source type required to have an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the requirement to obtain an operating permit shall be based on whether the potential to emit any regulated pollutant from all emissions units at the source exceeds the applicability thresholds for operating permits within this article.
- (3) Unless specifically listed as a type of modification required to obtain an operating permit revision or modification approval under 326 IAC 6.1 [*sic.*, 326 IAC 2-6.1], 326 IAC 2-7, or 326 IAC 2-8, the requirement to obtain an operating permit revision shall be based on whether the sum of the potential to emit any regulated pollutant from new emission units and the increase of the potential to emit any regulated pollutant from modified existing emission units at the source exceeds the applicability thresholds for operating permit revisions within this article.

(e) Any exemption granted under this rule shall apply only to the requirement to have prior approval before construction, operation, or modification of a source or emissions unit. An exemption under this rule does not exempt a source from any other

requirements applicable to the source under this title. (*Air Pollution Control Board; 326 IAC 2-1.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 981; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

**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) 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\*;
- (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 sources as follows:

- (1) New 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 have provided public notice under 310 IAC 12-3-106 and included a reference of the application for an operating agreement in such notice.
  - (H) 326 IAC 2-9-11 for automobile refinishing operations.
  - (I) 326 IAC 2-9-12 for degreasing operations.

- (2) New sources that comply with the limitations set forth in 326 IAC 2-11.
- (3) 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) New sources with the potential to emit less than ten (10) tons per year of a single hazardous air pollutant (HAP), as defined under Section 112(b) of the Clean Air Act, 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) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the state implementation plan (SIP).

(e) Except for modifications subject to 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<sub>10</sub>).

- (B) Ten (10) tons per year of sulfur dioxide (SO<sub>2</sub>).
  - (C) Ten (10) tons per year of nitrogen oxides (NO<sub>x</sub>).
  - (D) Ten (10) tons per year of volatile organic compounds (VOC) for sources or modifications that are not described by clause (E).
  - (E) Five (5) tons per year of volatile organic compounds (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) Twenty-five (25) tons per year of carbon monoxide (CO).
  - (G) Two-tenths (0.2) ton per year of lead (Pb).
  - (H) One (1) ton per year of a single hazardous air pollutant (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.
  - (I) Five (5) tons per year of the following regulated air pollutants:
    - (i) Hydrogen sulfide (H<sub>2</sub>S).
    - (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, including the following:
- (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 liquified 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 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.
  - (iv) 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.
  - (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 startup.
  - (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, including the following:
- (A) A gasoline dispensing operation having a storage tank capacity equal to or less than ten thousand five hundred (10,500) gallons and 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, 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.
- (7) New sources or modifications of existing sources that consist of only the following VOC and HAP storage containers:
- (A) 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.
  - (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:

- (i) having a vapor pressure equal to or less than two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight degrees Centigrade (38°C) (one hundred (100) degrees Fahrenheit); or
  - (ii) having a vapor pressure equal to or less than seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty degrees Centigrade (20°C) (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 Clean Air Act:
- (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.
  - (ii) Using eighty (80) tons or less of welding consumables.
- (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 run-off 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.
  - (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 Clean Air Act.
  - (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 Clean Air Act.
  - (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 do not produce fugitive emissions and that 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:

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AIR POLLUTION CONTROL BOARD

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- (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, including the following:
- (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, such as the following:
- (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, including the following:
- (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, including the following:
- (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 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, including the following:
- (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 (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.
- (32) New sources or modifications of existing sources that consist of only water-related activities, including the following:
- (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, including the following:
- (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, including the following:
- (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, including the following:
- (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, including the following:
- (A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
  - (B) Steam cleaning activities.
  - (C) Rest rooms and associated clean-up 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, including the following:
- (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, including the following:
- (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) (propane).
    - (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 Clean Air Act.
  - (C) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and 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 container capacity is equal to or less than forty-six hundredths (0.46) cubic meter and the 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, including the following:

- (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, including the following:
  - (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, including the following:

- (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 used at a source in the same manner as normal consumer use and is 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, including the following:

- (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, including the following:

- (A) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes as a major source under 326 IAC 2-7-1(22)(B), and 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, including the following:

- (A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
- (B) Electrical resistance welding.

- (C) Carbon dioxide (CO<sub>2</sub>) lasers, used only on metals and other materials that do not emit HAPs as defined under Section 112(b) of the Clean Air Act in the process.
- (D) Laser trimmers that do not produce fugitive emissions and 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 soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
- (J) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs as defined under Section 112(b) of the Clean Air Act are used in the process, and no 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 Clean Air Act.
- (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.

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 hazardous air pollutant (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 consists only of changes in a method of operation, a reconfiguration of existing equipment or other minor physical changes, or a combination thereof, and that does not result in an increase in the potential to emit that:
  - (A) exceeds the significance levels established in 326 IAC 2-2-1 when subject only to specific emission limits contained

in this title;

(B) exceeds the significance levels established in 326 IAC 2-3-1 when subject only to specific emission limits contained in this title;

(C) is subject to 326 IAC 2-4.1 concerning new source toxics control;

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

(E) is greater than or equal to twenty-five (25) pounds per day of NO<sub>x</sub> from an existing source in Lake or Porter County that has the potential to emit, as defined by 326 IAC 2-3-1(v), or actual emissions of twenty-five (25) tons per year;

(F) 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:

(i) a primary lead smelter;

(ii) a secondary lead smelter;

(iii) a primary copper smelter;

(iv) a lead gasoline additive plant; or

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

(G) 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);

(H) 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;

(I) is an emissions increase of VOC or NO<sub>x</sub> subject to 326 IAC 2-3-2(b)(2) or 326 IAC 2-3-2(b)(3) at an existing source in Lake or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or NO<sub>x</sub>;

(J) 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 (PM<sub>10</sub>); or

(K) 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 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 the 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 experimental in nature, part of pilot plants, or 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*)

#### **326 IAC 2-1.1-4 Federal provisions**

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) Nothing in this article shall allow for the circumvention or violation of any federal law or regulation or the requirements under 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9. In the case of a conflict between this rule and a provision of federal law or regulation, the more stringent requirement applies.

(b) Any person proposing the construction of a major prevention of significant deterioration (PSD) source or major PSD modification as defined under 326 IAC 2-2, that is or will be located in an attainment area or unclassified area under 326 IAC 1-4, shall comply with the requirements of 326 IAC 2-2 in addition to the applicable requirements of this rule.

(c) Any person proposing the construction or modification of a major source or emissions unit as defined under 326 IAC 2-3, that will:

(1) significantly impact upon the air quality of a nonattainment area; or

(2) be located in a nonattainment area under 326 IAC 1-4;

shall comply with the requirements of 326 IAC 2-3 in addition to the applicable requirements of this rule. (*Air Pollution Control Board; 326 IAC 2-1.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 990*)

#### **326 IAC 2-1.1-5 Air quality requirements**

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. 5. (a) The commissioner shall not issue a registration, permit, modification approval, or operating permit revision under this article if the commissioner determines the terms and conditions of the registration, permit, modification approval, or operating permit revision:

(1) would allow a source to cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS);

(2) would allow a violation of a PSD maximum allowable increase;

(3) do not assure compliance with all applicable air pollution control rules, except as provided by an enforceable compliance schedule; or

(4) are not protective of the public health.

(b) The commissioner may require any source to perform an air quality analysis to demonstrate compliance with the NAAQS. (*Air Pollution Control Board; 326 IAC 2-1.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 990*)

**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 provide notice of the receipt of a permit or operating permit revision application to the following:
  - (A) The county executive of a county that is affected by the permit application.
  - (B) The executive of a city that is affected by the permit application.
  - (C) 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 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 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 allow a period of at least thirty (30) calendar days opportunity for public comment.
- (5) The commissioner may allow opportunity for a public hearing unless otherwise noted.
- (6) 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 326 IAC 2-5.1-2.
- (2) Notice-only operating permit revisions pursuant to 326 IAC 2-6.1-6(c).
- (3) Administrative amendments pursuant to 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 is the subject of the application. Each applicant shall pay the cost of compliance with this subsection. The notice shall be in writing and include the date on which the application was submitted and 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*)

**326 IAC 2-1.1-7 Fees**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8

Affected: IC 13-15; IC 13-16-2; IC 13-17

Sec. 7. The applicant shall pay a fee based upon the cost to the commissioner of processing and reviewing the applicable registration, permit, or operating permit revision application and the cost of determining compliance with the terms and conditions of a permit. Except for sources identified in subdivision (5)(A), (5)(B), or (5)(E), sources subject to 326 IAC 2-7-19 are exempt from the fees established by subdivisions (1) and (4) through (6). Sources that have received a permit pursuant to 326 IAC 2-8 are exempt

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from the fees established by subdivisions (1) and (4) through (6), except to the extent provided in 326 IAC 2-8-16. Sources subject to 326 IAC 2-9 are exempt from the fees established by subdivision (1). The fees are established as follows:

- (1) A basic filing fee of one hundred dollars (\$100) shall be submitted with any application submitted to the commissioner for review in accordance with this article.
- (2) A fee of five hundred dollars (\$500) shall be submitted upon billing for:
  - (A) a registration under 326 IAC 2-5.1-2;
  - (B) a minor permit revision under 326 IAC 2-6.1-6(g) or 326 IAC 2-8-11.1(d); or
  - (C) a modification under 326 IAC 2-7-10.5(d).
- (3) At the time the notice of a proposed permit, modification approval, or permit revision is published under 326 IAC 2-5.1-3, 326 IAC 2-6.1-6(i), 326 IAC 2-8-11.1(f), or a modification under 326 IAC 2-7-10.5(f), permit or significant permit revision fees shall be assessed as follows:
  - (A) A construction permit, modification approval, or significant permit revision approval fee of three thousand five hundred dollars (\$3,500) shall be submitted upon billing for those sources subject to 326 IAC 2-5.1-3, 326 IAC 2-6.1-6(i), 326 IAC 2-7-10.5(f), or 326 IAC 2-8-11.1(f). The fee assessed under subdivision (1) shall be credited toward this fee.
  - (B) A construction permit fee of six thousand dollars (\$6,000) shall be submitted upon billing for those applications requiring review for PSD requirements under 326 IAC 2-2 or emission offset under 326 IAC 2-3. The fees assessed under subdivision (1) and clause (A) shall be credited toward this fee.
  - (C) Air quality analyses fees shall be assessed as follows:
    - (i) A fee of three thousand five hundred dollars (\$3,500) shall be submitted upon billing if an air quality analysis is required under 326 IAC 2-2-4 or 326 IAC 2-3-3.
    - (ii) In lieu of the fee under item (i), a fee of six thousand dollars (\$6,000) shall be submitted upon billing for an air quality analysis, per pollutant performed by the commissioner upon request of the source owner or operator. The commissioner may deny a request to perform an air quality analysis.
  - (D) Fees for control technology analyses for best available control technology (BACT) under 326 IAC 2-2-3, or lowest achievable emission rate (LAER) under 326 IAC 2-3-3 shall be assessed as follows per emissions unit or group of identical emissions units, for which a control technology analysis is required:
    - (i) A fee of three thousand dollars (\$3,000) shall be submitted upon billing if two (2) to five (5) control technology analyses are required.
    - (ii) A fee of six thousand dollars (\$6,000) shall be submitted upon billing if six (6) to ten (10) control technology analyses are required.
    - (iii) A fee of ten thousand dollars (\$10,000) shall be submitted upon billing if more than ten (10) control technology analyses are required.
  - (E) Miscellaneous fees to cover technical and administrative costs shall be assessed as follows:
    - (i) A fee of five hundred dollars (\$500) shall be submitted upon billing for each review for an applicable national emission standard for hazardous air pollutants under 326 IAC 14 or 326 IAC 20 or an applicable new source performance standard under 326 IAC 12.
    - (ii) A fee of five hundred dollars (\$500) shall be submitted upon billing for each public hearing conducted prior to issuance of the permit or modification approval.
    - (iii) A fee of six hundred dollars (\$600) shall be submitted upon billing for each control technology analysis for BACT for volatile organic compounds under 326 IAC 8-1-6 and for maximum achievable control technology under 326 IAC 2-4.1.
- (4) Annual operating permit fees shall be assessed as follows:
  - (A) A basic permit fee of two hundred dollars (\$200) shall be submitted upon billing for each operating permit required under 326 IAC 2-6.1.
  - (B) A fee of six hundred dollars (\$600) shall be submitted upon billing for each source with a potential to emit greater than five (5) tons per year of lead.
  - (C) A fee of one hundred dollars (\$100) shall be submitted upon billing for a relocation approval for a portable source.
- (5) In lieu of fees assessed under subdivision (4), annual operating permit fees shall be assessed for identified source categories as follows:
  - (A) During the years 1995 through 1999 inclusive, a fee of fifty thousand dollars (\$50,000), less any amount credited

under this clause, shall be charged to an electric power plant for a Phase I affected unit, as identified in Table A of Section 404 of the CAA, or for a substitution unit as determined by the U.S. EPA in accordance with Section 404 of the CAA. Any fees paid by that plant for non-Phase I units under 326 IAC 2-7-19 shall be credited toward this fee. Prior to 1995, a fee of three thousand dollars (\$3,000) shall be submitted upon billing by the sources described in this clause. The existence of a Phase I unit at an electric power plant does not affect the plant's duty to pay fees for non-Phase I units at the plant.

(B) A fee for each coke plant equal to the costs to the commissioner associated with conducting the surveillance activities required to determine compliance with 40 CFR 63, Subpart L\* shall be submitted upon billing. Any fee collected under this clause shall not exceed one hundred twenty-five thousand dollars (\$125,000).

(C) A fee of six hundred dollars (\$600) shall be submitted upon billing for each surface coal mining operation per mining area or pit.

(D) A fee of two hundred dollars (\$200) shall be submitted upon billing for each grain terminal elevator as defined in 326 IAC 1-2-33.2.

(E) A fee of twenty-five thousand dollars (\$25,000) shall be submitted upon billing for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day.

(6) In addition to the fees assessed under subdivisions (1) through (5), miscellaneous fees to cover technical and administrative costs shall be assessed to sources subject to this section, except for sources subject to fees established in subdivision (5)(A), (5)(B), or (5)(E) as follows:

(A) A fee of one thousand four hundred dollars (\$1,400) shall be submitted upon billing for any air quality network required by permit.

(B) A fee of seven hundred dollars (\$700) shall be paid for review under 326 IAC 3 of any source sampling test required by permit, per emissions unit. This fee shall be paid upon submittal of a protocol for the stack test as required by 326 IAC 3.

(C) A fee of two hundred dollars (\$200) shall be submitted upon billing for each opacity or pollutant continuous emission monitor required by permit.

(7) Fees shall be paid by mail or in person and shall be paid upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management" no later than thirty (30) days after receipt of billing. Nonpayment may result in denial of a permit application or revocation of the permit.

(8) If an annual fee is being paid under a fee payment schedule established under IC 13-16-2, the fee shall be paid in accordance with that schedule. Establishment of a fee payment schedule must be consistent with IC 13-16-2, including the determination that a single payment of the entire fee is an undue hardship on the person and that the commissioner is not required to assess installments separately. Failure to pay in accordance with the fee payment schedule that results in substantial nonpayment of the fee may result in revocation of the permit.

(9) Fees are nonrefundable. If the permit is denied or revoked or the source or emissions unit is shut down, the fees shall neither be refunded nor applied to any subsequent application or reapplication.

(10) If a permit becomes lost or damaged, a replacement may be requested.

(11) The commissioner may adjust all fees on January 1 of each calendar year by the Consumer Price Index (CPI) using revision of the CPI that is most consistent with the CPI for the calendar year 1995.

\*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 2-1.1-7; filed Nov 25, 1998, 12:13 p.m.: 22 IR 991; filed May 21, 2002, 10:20 a.m.: 25 IR 3057*)

**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 application:

(1) Two hundred seventy (270) days for an application concerning an air pollution construction permit for a major source or

major modification, 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), 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 or a source specific operating agreement under 326 IAC 2-9.

(4) Forty-five (45) 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:

(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:

(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:

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

(B) An application contains provisions that are not consistent with an applicable rule or law.

(C) 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:

(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 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) 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*)

### **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 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.

(2) Failure to disclose all the relevant facts or misrepresentation in obtaining the permit or permit revision 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 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 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*)

### **326 IAC 2-1.1-9.5 General provisions; term of permit**

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

Affected: IC 13-11-2; IC 13-15-3-6; IC 13-17

Sec. 9.5. (a) Except as provided in IC 13-15-3-6(a), the following are effective for a term not to exceed five (5) years:

(1) A permit to construct.

(2) A permit to operate.

(3) A permit modification.

(b) Notwithstanding the permit term in subsection (a), any condition established in a permit issued pursuant to a permitting program approved into the state implementation plan shall remain in effect until:

(1) the condition is modified in a subsequent permit action; or

(2) the emission unit to which the condition pertains permanently ceases operation.

(*Air Pollution Control Board; 326 IAC 2-1.1-9.5; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557*)

### **326 IAC 2-1.1-10 Local agencies**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15-6; IC 13-17

Sec. 10. (a) A local agency may be authorized by the commissioner to do the following:

(1) Process and review applications for registrations, construction permits, operating permits, and operating permit revisions required under this article.

(2) Issue or deny registrations, construction permits, operating permits, and permit revision approvals in accordance with the requirements of this article as a designated representative of the commissioner.

Such authorization may be in the form of a written agreement or contract between the commissioner and the local agency.

(b) Emission limitations, monitoring, testing, reporting, and record keeping requirements may be established by a designated local agency. If the commissioner determines that an emission limitation in a permit or permit revision approval, that has been proposed or issued by any local agency, conflicts with the attainment or maintenance of an ambient air quality standard or does not assure compliance with an applicable requirement, the commissioner shall do the following:

(1) Notify the local agency of the conflict and give the local agency sixty (60) days within which to resolve the conflict.

(2) Issue or deny the permit or permit revision in accordance with this article and IC 13-15-6, if the conflict is not resolved within sixty (60) calendar days.

(c) A local agency may be authorized by the commissioner to perform compliance related activities as a designated representative, including those activities under section 11 of this rule. The authorization may be in the form of a written agreement or contract between the commissioner and the local agency.

(d) A local agency may be authorized by the commissioner to collect all or part of the permit fees established in this rule or to substitute a permit fee schedule that meets the requirement of approximating the costs to the department and the local agency of processing and reviewing the applicable construction or operating permit or other activity and the costs of determining compliance with the terms and conditions of such permit and applicable rules. Such authorization may be in the form of a written agreement or contract between the commissioner and the local agency and shall specify the fee schedule to be applied and the recipient of the fees. (*Air Pollution Control Board; 326 IAC 2-1.1-10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 995*)

### **326 IAC 2-1.1-11 Compliance requirements**

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. 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 or the U.S. EPA. This section applies to all sources issued a registration, permit, modification approval, or permit revision under this article. (*Air Pollution Control Board; 326 IAC 2-1.1-11; filed Nov 25, 1998, 12:13 p.m.: 22 IR 995; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

### **326 IAC 2-1.1-12 Emissions cap programs**

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) This section applies to sources operating pursuant to a Part 70 permit under 326 IAC 2-7 or a federally enforceable state operating permit (FESOP) under 326 IAC 2-8. The owner or operator may request that the commissioner include terms and conditions establishing an emissions cap program or programs for one (1) or more pollutants.

(b) For a source applying for an emissions cap program or programs, the commissioner may issue a Part 70 or FESOP permit that includes terms and conditions necessary to assure compliance with applicable air quality rules and that allow the owner or operator to make modifications at the source, without preconstruction approval or operating permit revision, as long as compliance with the emissions cap program or programs is maintained.

(c) An emissions cap program or programs may be based on one (1) of the following:

(1) Actual emissions, not to exceed allowable emissions, including a reasonable operating margin that is less than the significant emissions rate as defined in 326 IAC 2-2-1. Actual emissions shall be calculated using the actual emissions for any twelve (12) consecutive months during the one hundred twenty (120) months preceding the request for an emissions cap program or programs.

(2) The prevention of significant deterioration (PSD) permitted allowable emissions for sources that have received a PSD permit. For sources located in nonattainment areas and subject to 326 IAC 2-3, the permit must have been issued within the past five (5) years.

(3) A permit limitation, not to exceed allowable emissions, on the potential to emit of a pollutant that is less than the applicability thresholds of 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, or other applicable requirement provided that control

technology has been reviewed for all permitted emissions under the emissions cap program or programs. The emissions cap program or programs may consist of a plant-wide applicability limit or multiple caps, except if the multiple caps would allow a violation of 326 IAC 2-2 or 326 IAC 2-3.

(d) In addition to the application information required under 326 IAC 2-7-4(c) and 326 IAC 2-8-3(c), an application requesting an emissions cap program or programs shall include the following information:

- (1) Identification, description, and location of the emission units that will be included under and comply with an emissions cap program or programs.
- (2) Identification of any emission limitations or standards or other requirements applicable to the pollutants and emission units to be included under an emissions cap program or programs.
- (3) A description of an emissions cap program or programs to be established at the source. The emissions cap program or programs may consist of a plant-wide applicability limit or multiple limits, except if the multiple limits would allow a violation of 326 IAC 2-2 or 326 IAC 2-3.
- (4) A description of any new applicable requirements, permit terms, or conditions that may apply.
- (5) A description of the record keeping, reporting, and compliance monitoring requirements to be implemented with the emissions cap program or programs.
- (6) Emissions information or other relevant information to be used for the basis of the emissions cap program or programs.

(e) In addition to the permit content and compliance requirements under 326 IAC 2-7 and 326 IAC 2-8, a permit that includes an emissions cap program or programs shall include the following:

- (1) All terms necessary to determine compliance with the emissions cap program or programs and all associated applicable requirements.
- (2) An enforceable emission limit or limits.
- (3) Terms and conditions that allow construction of new emissions units or reconstruction or modification of existing emissions units that would otherwise require preconstruction approval or operating permit revision, provided the actual emissions from the emissions units specified under an emissions cap program or programs or to be included under the emissions cap program or programs, do not exceed the emissions cap limit or limits.
- (4) Terms and conditions that allow for trading of emission increases and decreases solely for the purpose of complying with the emissions cap program or programs, provided the permit contains adequate terms and conditions to determine compliance with the limit and with any emissions trading provisions.
- (5) Replicable procedures and permit terms that ensure the emissions cap limit or limits is enforceable and changes pursuant to the limit are quantifiable and enforceable.
- (6) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the requirements of this title, and the Clean Air Act.
- (7) Terms and conditions that require the owner or operator to provide notice to the commissioner for those changes under an emissions cap program limit that would have otherwise required preconstruction or modification approval or operating permit revision.
- (8) Terms and conditions that provide for future review of the emissions cap program or programs and associated permit conditions that could affect the limit or limits.

(f) An owner or operator of a source operating pursuant to a Part 70 or FESOP permit that includes an emissions cap program or programs may make changes under the emissions cap limit that would otherwise require preconstruction or modification approval or operating permit revision provided the commissioner receives notification at least ten (10) days before beginning actual construction of each physical change or implementing each operational change. The notice shall:

- (1) include the company name and address and source and permit identification numbers;
- (2) describe the physical or operational change, including an estimate of the potential to emit of the emissions associated with the change;
- (3) identify on the layout diagram of the source what emissions unit or units the physical or operational change will affect;
- (4) provide the schedule for constructing each physical change and implementing each operational change;
- (5) identify any additional applicable requirements that are applicable to the physical or operational change and include any monitoring, record keeping, or reporting requirements to assure compliance with the applicable requirements;
- (6) provide a statement for all regulated pollutants, except the pollutant for which the emissions cap limit has been established, that demonstrates that the physical or operational change will not trigger any federal or state permitting requirement for any regulated pollutant; and

(7) provide a statement that the physical or operational change will not result in emissions greater than the emissions cap limit. (*Air Pollution Control Board; 326 IAC 2-1.1-12; filed Nov 25, 1998, 12:13 p.m.: 22 IR 996*)

**Rule 2. Prevention of Significant Deterioration (PSD) Requirements**

**326 IAC 2-2-1 Definitions**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two (2) year period which precedes the particular date and which is representative of normal source operation. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit, other than an electric utility steam generating unit described in subdivision (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit, other than a new unit or the replacement of an existing unit, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source post-change operations.

(c) "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the federal Class I area, as defined in section 13 of this rule. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with:

(1) times of visitor use of the federal Class I area; and

(2) the frequency and timing of natural conditions that reduce visibility.

(d) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless a source is subject to enforceable permit limits which restrict the operating rate, or hours of operation, or both) and the most stringent of:

(1) the applicable standards as set forth in 40 CFR 60\* and 40 CFR 61\*;

(2) the state implementation plan emissions limitation, including those with a future compliance date; or

(3) the emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(e) "Baseline area" means the following:

(1) Any intrastate area (and every part thereof) designated as attainment or unclassifiable in accordance with 326 IAC 1-4 in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (annual average) of the pollutant for which the minor source baseline date is established.

(2) Area redesignations under 326 IAC 1-4 and Section 107(d)(1)(D) or 107(d)(1)(E) of the Clean Air Act (CAA) cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

(A) establishes a minor source baseline date; or

(B) is subject to 40 CFR 52.21\* and this rule and would be constructed in the same state as the state proposing the redesignation.

(3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available  $\text{PM}_{10}$  increments, except that such baseline area shall not

remain in effect if U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR 52.21(b)(14)(iv)\*.

(f) "Baseline concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date. The baseline concentration is determined for each pollutant for which a baseline date is established and shall include the following:

(1) The actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in subdivision (3).

(2) The allowable emissions of major stationary sources which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(3) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(A) Actual emissions from any major stationary source on which the construction commenced after the major source baseline date.

(B) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(g) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework, and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(h) "Best available control technology" or "BACT" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant subject to regulation under the provisions of the CAA, which would be emitted from any proposed major stationary source or major modification, which the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60\* and 40 CFR Part 61\*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirements for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.

(i) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group" (i.e., which have the same first two (2) digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office)\*.

(j) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam that was not in widespread use as of November 15, 1990.

(k) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy—Clean Coal Technology", up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(l) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(m) "Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the department from requesting or accepting any additional information.

(n) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(o) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third ( $\frac{1}{3}$ ) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(p) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant regulated under the provisions of the CAA.

(q) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

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

(s) "High terrain" means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.

(t) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(u) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(v) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(w) "Low terrain" means any area other than high terrain.

(x) "Major modification" means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant net emissions increase of any pollutant that is being regulated under the CAA. The following shall apply:

(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.

(C) Use of an alternative fuel by reason of an order under Section 125 of the CAA.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source which:

(i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21\* or under this rule or 326 IAC 2-3; or

(ii) the source is approved to use under any permit issued under 40 CFR 52.21\* or under this rule.

(F) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21\* or under this rule or 326 IAC 2-3.

(G) Any change in ownership at a source.

(H) The addition, replacement, or use of a pollution control project as defined in subsection (dd) at an existing electric steam generating unit unless:

(i) the commissioner and U.S. EPA determine that such addition, replacement, or use renders the unit less environmentally beneficial; or

(ii) the commissioner determines that the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS), PSD increment, or visibility limitation.

A pollution control project that is exempt under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8) or 326 IAC 2-7-10.5(f)(9).

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(i) the state implementation plan; and

(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(y) "Major stationary source" means the following:

(1) Any of the following stationary sources of air pollutants which are located or proposed to be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and which emit or have the potential to emit one hundred (100) tons per year or more of any pollutant subject to regulation under the CAA:

(A) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(B) Coal cleaning plants (with thermal driers).

(C) Kraft pulp mills.

(D) Portland cement plants.

(E) Primary zinc smelters.

(F) Iron and steel mill plants.

(G) Primary aluminum ore reduction plants.

(H) Primary copper smelters.

(I) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day.

(J) Hydrofluoric, sulfuric, and nitric acid plants.

(K) Petroleum refineries.

(L) Lime plants.

(M) Phosphate rock processing plants.

(N) Coke oven batteries.

(O) Sulfur recovery plants.

(P) Carbon black plants (furnace process).

(Q) Primary lead smelters.

(R) Fuel conversion plants.

(S) Sintering plants.

(T) Secondary metal production plants.

(U) Chemical process plants.

(V) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(W) Taconite ore processing plants.

(X) Glass fiber processing plants.

(Y) Charcoal production plants.

(Z) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.

(2) Any stationary source with the potential to emit two hundred fifty (250) tons per year or more of any air pollutant subject to regulation under the CAA.

(3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:



- (A) Primary lead smelters.
  - (B) Secondary lead smelters.
  - (C) Primary copper smelters.
  - (D) Lead gasoline additive plants.
  - (E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.
- (4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.
- (5) Any physical change occurring at a stationary source not qualifying under subdivisions (1) through (4) and this subdivision, if the change would by itself qualify as a major stationary source under subdivisions (1) through (4).
- (6) Notwithstanding subdivisions (1) through (5), a source or modification of a source shall not be considered a major stationary source if it would qualify under subdivisions (1) through (5) only if fugitive emissions, to the extent quantifiable, are considered in calculating potential to emit of the stationary source or modification and such source does not belong to any of the categories listed in subdivision (1) or any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the CAA (42 U.S.C. 7411 or 42 U.S.C. 7412).
- (7) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- (z) "Major source baseline date" means the following:
- (1) In the case of particulate matter and sulfur dioxide, January 6, 1975.
  - (2) In the case of nitrogen dioxide, February 8, 1988.
- (aa) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of this rule or to 40 CFR 52.21\* submits a complete application under the relevant regulations, including the following:
- (1) The trigger date is the following:
    - (A) In the case of particulate matter and sulfur dioxide, August 7, 1977.
    - (B) In the case of nitrogen dioxide, February 8, 1988.
  - (2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:
    - (A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 326 IAC 1-4 for the pollutant on the date of its complete application under this rule; and
    - (B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.
  - (3) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that the commissioner may rescind a minor source baseline date where it can be shown, to the satisfaction of the commissioner, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM<sub>10</sub> emissions.
- (bb) "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and air quality control laws and regulations that are part of the state implementation plan.
- (cc) "Net emissions increase", with reference to a significant net emissions increase, means the tons per year amount by which the sum of the following exceeds zero (0):
- (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a source.
  - (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable as follows:
    - (A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
      - (i) the date five (5) years before construction on the particular change commences; and
      - (ii) the date that the increase from the particular change occurs.
    - (B) An increase or decrease in actual emissions is creditable only if the department has not relied on the increase or decrease in issuing a permit for the source under this rule, and the permit is in effect when the increase in actual emissions from the particular change occurs.
    - (C) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs

before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions shall be used to evaluate the net emissions increase for PM<sub>10</sub>.

(D) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

- (i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) it is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

(dd) "Pollution control project" means, for purposes of this rule, any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to the following:

- (1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators.
- (2) An activity or project to accommodate switching to a fuel that is less polluting than the fuel in use prior to the activity or project, including, but not limited to:

(A) natural gas or coal reburning; or

(B) the cofiring of natural gas and other fuels for the purpose of controlling emissions.

(3) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 42 U.S.C. 5903(d)\*, or subsequent appropriations, up to a total amount of two billion five hundred million dollars (\$2,500,000,000), for commercial demonstration of clean coal technology, or similar projects funded through appropriations for U.S. EPA.

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

(ee) "Potential to emit" means the maximum capacity of a source or major modification to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(ff) "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

- (1) has not been in operation for the two (2) year period prior to the enactment of the CAA Amendments of 1990, and the emissions from such unit continue to be carried in the department's emissions inventory at the time of enactment;
- (2) was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent (85%) and a removal efficiency for particulates of no less than ninety-eight percent (98%);
- (3) is equipped with low-NO<sub>x</sub> burners prior to the time of commencement of operations following reactivation; and
- (4) is otherwise in compliance with the requirements of the CAA.

(gg) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

- (1) Atmospheric or pressurized fluidized bed combustion.
- (2) Integrated gasification combined cycle.
- (3) Magnetohydrodynamics.
- (4) Direct and indirect coal-fired turbines.
- (5) Integrated gasification fuel cells.
- (6) As determined by U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in

widespread commercial use as of November 15, 1990.

Repowering shall also include any oil or gas-fired unit, or both, that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. U.S. EPA shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the CAA.

(hh) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two (2) year period after a physical change or change in the method of operation of a unit, (or a different consecutive two (2) year period within ten (10) years after that change, where the department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions, the department shall do the following:

(1) Consider all relevant information, including, but not limited to, the following:

- (A) Historical operational data.
- (B) The company's own representations.
- (C) Filings with Indiana or federal regulatory authorities.
- (D) Compliance plans under Title IV of the CAA.

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

(ii) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. The term includes emissions from any off-site support facility that would not be constructed or increase its emissions, except as a result of the construction or operation of the major stationary source or major modification. For the purpose of this rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from:

- (1) the tailpipe of a motor vehicle;
- (2) a train; or
- (3) a vessel.

(jj) "Significant" means the following:

(1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- (A) Carbon monoxide: one hundred (100) tons per year.
- (B) Nitrogen oxides: forty (40) tons per year.
- (C) Sulfur dioxide: forty (40) tons per year.
- (D) Particulate matter: twenty-five (25) tons per year.
- (E) PM<sub>10</sub>: fifteen (15) tons per year.
- (F) Ozone: forty (40) tons per year of volatile organic compounds.
- (G) Lead: six-tenths (0.6) ton per year.
- (H) Asbestos: seven one-thousandths (0.007) ton per year.
- (I) Beryllium: four ten-thousandths (0.0004) ton per year.
- (J) Mercury: one-tenth (0.1) ton per year.
- (K) Vinyl chloride: one (1) ton per year.
- (L) Fluorides: three (3) tons per year.
- (M) Sulfuric acid mist: seven (7) tons per year.
- (N) Hydrogen sulfide (H<sub>2</sub>S): ten (10) tons per year.
- (O) Total reduced sulfur (including H<sub>2</sub>S): ten (10) tons per year.
- (P) Reduced sulfur compounds (including H<sub>2</sub>S): ten (10) tons per year.
- (Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035) or  $3.5 \times 10^{-6}$  ton per year.
- (R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.

- (S) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.
- (T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.
- (U) Ozone-depleting substances (ODS): one hundred (100) tons per year.
- (V) Any pollutant subject to regulation under the CAA, other than the pollutants listed in this subsection or under Section 112(b) of the CAA\*: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that would be constructed within ten (10) kilometers of a Class I area and has an impact on such area equal to or greater than one (1) microgram per cubic meter (24-hour average).

(kk) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the CAA. A stationary source does not include emissions resulting from an internal combustion engine used for transportation purposes, or from a nonroad engine or nonroad vehicle.

(ll) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that:

- (1) is operated for a period of five (5) years or less; and
- (2) complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

\*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 2-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2391; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3022; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2020; filed Nov 25, 1998, 12:13 p.m.: 22 IR 997; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 23, 2000, 9:47 a.m.: 24 IR 668; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2412; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557*)

### **326 IAC 2-2-2 Applicability**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 2. (a) The requirements of this rule shall apply to any major stationary source or major modification, as defined in section 1 of this rule, that is being constructed or will be constructed in an area designated, as of the submittal date of a complete application in accordance with 326 IAC 2-5.1, as attainment or unclassifiable in 326 IAC 1-4.

(b) The owner or operator of a major stationary source or major modification shall not begin actual construction unless the requirements in sections 3 through 8, 10, and 14 through 16 of this rule have been met and a permit has been issued under this rule.

(c) Sources that are located in or proposed to be located in an area designated as nonattainment pursuant to 326 IAC 1-4 for a pollutant shall be exempt from the requirements of this rule for that particular pollutant.

(d) A source or modification of a source that would be a nonprofit health or nonprofit educational institution shall be exempt from the requirements of sections 3, 4, and 7 of this rule.

(e) The requirements of sections 3, 4, 5, 7, 8, 10, 14, and 15 of this rule shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the CAA that it would emit, except as otherwise provided in this rule.

(f) The requirements of sections 3, 4, 5, 7, 8, 10, 14, and 15 of this rule do not apply to a particular major stationary source or major modification if the source or modification is a portable stationary source that has previously received a permit under 326 IAC 2-5.1-3 or 326 IAC 2-7 and the permit contains conditions from 40 CFR Part 52.21\* or this rule if:

- (1) the source proposes to relocate and emissions of the source at the new location would be temporary;
- (2) the emissions from the source would not exceed its allowable emissions;
- (3) emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
- (4) ten (10) days advance notice is given to the department prior to the relocation identifying the proposed new location and probable duration of the operation at the new location.

\*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 2-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1098; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2419; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1564*)

**326 IAC 2-2-3 Control technology review; requirements**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 3. Any owner or operator of a major stationary source or major modification shall comply with the following requirements:

(1) A major stationary source or major modification shall meet each applicable emissions limitation under the state implementation plan and each applicable emissions standard and standard of performance under 40 CFR Part 60\* and 40 CFR Part 61\*.

(2) A new, major stationary source shall apply best available control technology for each pollutant subject to regulation under the provisions of the CAA for which the source has the potential to emit in significant amounts as defined in section 1 of this rule.

(3) A major modification shall apply best available control technology for each pollutant subject to regulation under the provisions of the CAA for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase of the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time, which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable source may be required to demonstrate the adequacy of any previous determination of best available control technology for that source.

\*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 2-2-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2419; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1564*)

**326 IAC 2-2-4 Air quality analysis; requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) Any application for a permit under the provisions of this rule shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(1) For a source, each pollutant regulated under the provisions of the CAA that the source would have the potential to emit in a significant amount.

(2) For a modification, each pollutant regulated under the provision of the CAA for which the modification would result in a significant net emissions increase.

(b) Exemptions are as follows:

(1) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification would:

(A) impact no Class I area and no area where an applicable increment is known to be violated; and

(B) be temporary.

(2) A source or modification shall be exempt from the requirements of this section with respect to monitoring for a particular pollutant if:

(A) the emissions increase of the pollutant from a new source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than:

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Carbon Monoxide	575 $\mu\text{g}/\text{m}^3$ , 8-hour average;
Nitrogen Dioxide	14 $\mu\text{g}/\text{m}^3$ , annual average;
PM <sub>10</sub>	10 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Sulfur Dioxide	13 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Ozone	No de minimis air quality level is provided for ozone; however, any net increase of one hundred (100) tons per year or more of volatile organic compounds subject to PSD would be required to provide ozone ambient air quality data;
Lead	0.1 $\mu\text{g}/\text{m}^3$ , 3-month average;
Mercury	0.25 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Beryllium	0.001 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Fluorides	0.25 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Vinyl Chloride	15 $\mu\text{g}/\text{m}^3$ , 24-hour average;
Total Reduced Sulfur	10 $\text{mg}/\text{m}^3$ , 1-hour average;
Hydrogen Sulfide	0.2 $\mu\text{g}/\text{m}^3$ , 1-hour average;
Reduced Sulfur Compounds	10 $\mu\text{g}/\text{m}^3$ , 1-hour average; or

(B) the concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in clause (A), or the pollutant is not listed in clause (A).

(c) All monitoring required by this section shall be done in accordance with the following provisions:

(1) With respect to any pollutant for which no ambient air quality standard designated in 326 IAC 1-3 exists, the analysis shall contain such air quality monitoring data as the commissioner determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(2) With respect to any pollutant (other than nonmethane hydrocarbons) for which an ambient air quality standard as designated in 326 IAC 1-3 does exist, the analysis shall contain continuous air quality monitoring data gathered for the purpose of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(3) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one (1) year preceding receipt of the application, except that, if the commissioner determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

(4) The owner or operator of the proposed major stationary source or major modification of volatile organic compounds who satisfies all conditions of 40 CFR Part 51, Appendix S, Section IV\* may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under this subsection.

(5) The owner or operator of a major stationary source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the commissioner determines is necessary to determine the effect of the emissions which the source or modification may have, or are having, on air quality in any area.

(6) The owner or operator of a major stationary source or major modification shall comply with the requirements of 40 CFR Part 58, Appendix B\* during operation of monitoring stations for purposes of complying with this section.

(7) All air quality monitoring shall be done in accordance with state and federal monitoring procedures as set forth in the following references: May 1987 U.S. EPA, "Ambient Air Monitoring Guidelines for Prevention of Significant Deterioration" (EPA 45014-87-007)\* and the May 1999, "Indiana Department of Environmental Management, Office of Air Management Quality Assurance Manual \*\*".

\*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 2-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2396; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3026; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1099; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2420; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1565*)

**326 IAC 2-2-5 Air quality impact; requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emissions increases in conjunction with all other applicable emissions increases or reductions (including secondary emissions) will not cause or contribute to air pollution in violation of:

(1) any ambient air quality standard as designated in 326 IAC 1-3, in any air quality control region; or

(2) any applicable maximum allowable increase over the baseline concentration in any area.

(b) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the new source, or the net emissions increase of that pollutant from the modification would:

(1) impact no Class I area and no area where an applicable increment is known to be violated; and

(2) be temporary.

(c) The requirements of this section do not apply to a major stationary source or major modification with respect to total suspended particulate matter.

(d) Air quality impact analysis required by this section shall be conducted in accordance with the following provisions:

(1) Any estimates of ambient air concentrations used in the demonstration processes required by this section, shall be based upon the applicable air quality models, data bases and other requirements specified in 40 CFR Part 51, Appendix W (Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Guideline on Air Quality Models)\*.

(2) Where an air quality impact model specified in the guidelines cited in subdivision (1) is inappropriate, a model may be modified or another model substituted, provided that all applicable guidelines are satisfied.

(3) Modifications or substitution of any model may only be done in accordance with guideline documents and with written approval from U.S. EPA and shall be subject to public comment procedures set forth in 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 2-2-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2024; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1566*)

**326 IAC 2-2-6 Increment consumption; requirements**

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

Affected: IC 13-12

Sec. 6. (a) Any demonstration pursuant to section 5 of this rule should demonstrate that increased emissions caused by the proposed major stationary source or major modification will not exceed eighty percent (80%) of the available maximum allowable increases (MAI) over the baseline concentrations for sulfur dioxide, particulate matter and nitrogen dioxide indicated in subsection

(b)(1). Available maximum allowable increases are determined by adjusting the MAI to include impacts from:

(1) actual emissions from any major stationary source or major modification on which construction commenced after the major source baseline date; and

(2) actual emissions increases and decreases at any source occurring after the minor source baseline date.

On a case-by-case basis, a source may petition the commissioner to use in excess of this eighty percent (80%). The commissioner may authorize such use provided the source adequately demonstrates the need for the same.

(b) Increment consumption shall be in accordance with the following:

(1) The following allowable increments reflect the PSD increments for a Class II area (as defined in the CAA). Indiana has no Class I or Class III areas; however, should some areas of the state be classified as Class I or III, the PSD increments pursuant to 40 CFR Part 52.21\* must be adhered to. New permits issued after January 1, 1995, shall use PM<sub>10</sub> as the indicator for particulate matter. The allowable increments are as follows:

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Pollutants	Maximum Allowable Increments
	Allowable Increments (Micrograms per Cubic Meter, $\mu\text{g}/\text{m}^3$ Limits)
(A) Particulate Matter:	
(PM <sub>10</sub> ):	
Annual arithmetic mean	17
24-hour maximum	30
(B) Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
(C) Nitrogen Dioxide:	
Annual arithmetic mean	25

(2) For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(3) When an applicant proposes to construct a major stationary source or major modification in an area designated as attainment or unclassified and the increments listed in subdivision (1) have been consumed, the increased emissions from the source or modification may be permitted to be offset by reducing emissions in the affected areas by an equal amount of the pollutant for which the area was designated as attainment or unclassified.

(4) The following pollutant concentrations shall be excluded when determining compliance with a maximum allowable increase:

(A) Concentrations attributable to the increase in emissions from sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from such sources before the effective date of such an order.

(B) Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources that are affected by state implementation plan revisions approved by U.S. EPA are excluded provided the following criteria is met:

(i) Such exclusion shall not exceed two (2) years in duration unless a longer time is approved by the commissioner and the U.S. EPA.

(ii) Such exclusion is not renewable.

(iii) Such exclusion shall allow no emissions increase which would impact a Class I area or an area where an applicable increment is known to be violated, or cause or contribute to a violation of an ambient air quality standard as designated in 326 IAC 1-3.

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) which will ensure that the emissions levels will not exceed those levels occurring from such source before the exclusion was granted.

(5) No exclusion of such a concentration pursuant to subdivision (4)(A) through (4)(B) shall apply more than five (5) years after the date the exclusion is granted pursuant to this rule, whichever is later. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the latter of such effective dates.

\*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 2-2-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2025; filed Oct 3, 1995, 3:00 p.m.: 19 IR 185; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1567*)



**326 IAC 2-2-7 Additional analysis; requirements**

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

Sec. 7. (a) The owner or operator shall provide an analysis of the following:

(1) Impairment to visibility, soils, and vegetation that would occur as a result of the major stationary source or major modification and general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification.

(b) The requirements of this section shall not apply to a major stationary source or major modification as defined in section 1 of this rule, with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of the pollutant from the modification would:

- (1) impact no Class I area and no area where an applicable increment is known to be violated; and
- (2) be temporary.

*(Air Pollution Control Board; 326 IAC 2-2-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2399; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1568)*

**326 IAC 2-2-8 Source obligation**

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

Sec. 8. The following shall apply to any owner or operator who proposes to construct, constructs, or operates a major stationary source or major modification subject to this rule:

(1) Approval to construct, pursuant to section 2(b) of this rule, shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The commissioner may extend the eighteen (18) month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

(2) Approval for construction shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state, or federal law.

(3) At such time as a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

*(Air Pollution Control Board; 326 IAC 2-2-8; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424)*

**326 IAC 2-2-9 Innovative control technology**

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

Sec. 9. Any owner or operator of a proposed major stationary source or major modification may request the commissioner in writing to approve a system of innovative control technology as follows:

(1) The commissioner shall, with the consent of the governors of other affected states, allow the source or modification to employ a system of innovative control technology if the following are met:

(A) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(B) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under section 3 of this rule by a date specified by the commissioner. Such date shall not be later than

four (4) years from the time of startup or seven (7) years from the date of permit issuance.

(C) The source or modification will meet the requirements of sections 3 and 5 of this rule, based on the emissions rate that the source employing the system of innovative control technology would be required to meet on the date specified by the commissioner.

(D) The source or modification will not, before the date specified by the commissioner:

(i) cause or contribute to a violation of an applicable ambient air quality standard as designated in 326 IAC 1-3; or

(ii) impact any area where an applicable increment is known to be violated.

(E) All other applicable requirements, including those for public participation, have been met.

(F) If applicable, the provisions of section 14 of this rule, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification.

(2) The commissioner shall withdraw any approval to employ a system of innovative control technology made under this section if:

(A) the proposed system fails by the specified date to achieve the required continuous emissions reductions rate;

(B) the proposed system fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(C) the commissioner decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(3) If a major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or the approval is withdrawn in accordance with subdivision (2), the commissioner may allow the major stationary source or major modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

*(Air Pollution Control Board; 326 IAC 2-2-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1568)*

**326 IAC 2-2-10 Source information**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 10. The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to perform any analysis or make any determination required under this rule as follows:

(1) With respect to a source or modification to which this rule applies, such information shall include:

(A) a description of the nature, location, design capacity, and typical operating schedule of the major stationary source or major modification, including specifications and drawings showing its design and plant layout;

(B) a detailed schedule for construction of the major stationary source or major modification; and

(C) a detailed description as to what system of continuous emission reduction is planned for the major stationary source or major modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the commissioner, the owner or operator shall also provide information on:

(A) the air quality impact of the major stationary source or major modification, including meteorological and topographical data necessary to estimate such impact; and

(B) the air quality impact and the nature and extent of any or all general commercial, residential, industrial, and other growth that has occurred since the baseline date in the area that the major stationary source or major modification would affect.

*(Air Pollution Control Board; 326 IAC 2-2-10; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425)*

**326 IAC 2-2-11 Stack height provisions**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 11. (a) The allowed emission rate for any regulated pollutant under this rule shall not be affected in any manner by the following:

(1) That portion of a stack height exceeding good engineering practice, as established in 326 IAC 1-7, that was not in existence by December 31, 1970.

(2) Any other dispersion technique not implemented before December 31, 1970.

(b) Subsection (a) shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented prior to that date. (*Air Pollution Control Board; 326 IAC 2-2-11; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425*)

**326 IAC 2-2-12 Permit rescission**

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

Affected: IC 13-15-6; IC 13-15-7; IC 13-17

Sec. 12. Any permit issued under this rule shall remain in effect unless and until it is rescinded, modified, revoked, or it expires in accordance with 326 IAC 2-1.1-9.5 or section 8 of this rule. The following apply to rescission:

(1) Any owner or operator of a major stationary source or major modification who holds a permit for the source or modification which was issued under 40 CFR 52.21\* or this rule, prior to January 1, 2002, may request the commissioner to rescind the permit or a particular portion of the permit.

(2) The commissioner shall grant an application for rescission if the application shows that this rule would not apply to the major stationary source or major modification.

(3) If the commissioner rescinds a permit under this section the public shall be given adequate notice of the rescission. Publication of an announcement of the rescission in the affected region within sixty (60) days of the rescission shall be considered adequate notice.

\*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, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569*)

**326 IAC 2-2-13 Area designation and redesignation**

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

Affected: IC 13-15; IC 13-17

Sec. 13. (a) All of the following areas that were in existence on August 7, 1977, shall be Class I areas and shall not be redesignated:

(1) International parks.

(2) National wilderness areas that exceed five thousand (5,000) acres in size.

(3) National memorial parks that exceed five thousand (5,000) acres in size.

(4) National parks that exceed six thousand (6,000) acres in size.

(b) The following shall apply to area designations:

(1) Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(2) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(3) The following areas may be redesignated only as Class I or II:

(A) An area that as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a:

(i) national monument;

(ii) national primitive area;

(iii) national preserve;

(iv) national recreational area;

(v) national wild and scenic river;

- (vi) national wildlife refuge; or
- (vii) national lakeshore or seashore.

(B) A national park or national wilderness area established after August 7, 1977, that exceeds ten thousand (10,000) acres in size.

(c) The following shall apply to area redesignations:

(1) All areas, except as otherwise provided under subsection (a), are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by subsection (a), may be proposed by the department or Indian governing bodies, as provided in this section, subject to approval by U.S. EPA as a revision to the applicable state implementation plan.

(2) The department may submit to U.S. EPA a proposal to redesignate areas of the state Class I or Class II provided the following:

(A) At least one (1) public hearing has been held in accordance with procedures established in 40 CFR 51.102\*.

(B) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing.

(C) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the:

- (i) health;
- (ii) environmental;
- (iii) economic;
- (iv) social; and
- (v) energy effects;

of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(D) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of sixty (60) days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistencies between such redesignation and such comments and recommendations, together with the reasons for making such redesignation against the recommendation of the federal land manager.

(E) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area under subsection (a) may be redesignated as Class III if the following occurs:

(A) The redesignation would meet the requirements of subdivision (2).

(B) The redesignation, except a redesignation established by an Indian governing body, has been specifically approved by the governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.

(C) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.

(D) Any permit application for any major stationary source or major modification, subject to review under section 5(c) of this rule, that could receive a permit under this rule only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to U.S. EPA a proposal to redesignate areas Class I, Class II, or Class III provided the following:

(A) The Indian governing body has followed procedures equivalent to those required of the department under subdivisions (2), (3)(C), and (3)(D).

(B) Such redesignation is proposed after consultation with the state or states in which the Indian reservation is located

and that border the Indian reservation.

(5) If U.S. EPA disapproves a proposed redesignation, the classification of the area shall be that which was in effect prior to the redesignation that was disapproved.

(6) If U.S. EPA disapproves any proposed redesignation, the department or Indian governing body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by U.S. EPA.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-2-13; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2426)

**326 IAC 2-2-14 Sources impacting federal Class I areas: additional requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) The department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall be given within thirty (30) days of receipt of a permit application and at least sixty (60) days prior to any public hearing on the application for a permit to construct and shall include the following:

(1) A copy of all information relevant to the permit application.

(2) An analysis of the proposed source's anticipated impacts on visibility in the federal Class I area.

The department shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under this section, and shall make available to them any materials used in making that determination, promptly after the department makes the determination. The department shall also notify all affected federal land managers within thirty (30) days of receipt of any advance notification of any such permit application.

(b) The federal land manager and the federal official charged with direct responsibility for management of the Class I area have an affirmative responsibility to protect the air quality related values, including visibility, of the Class I area and to consider, in consultation with U.S. EPA, whether a proposed source or modification will have an adverse impact on such values.

(c) The department shall consider any analysis performed by the federal land manager, provided to the department within thirty (30) days of the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the department finds that the analysis does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the federal Class I area, the department must, in the notice of public hearing on the permit application, either explain the decision or give notice as to where the explanation may be obtained.

(d) The federal land manager of any Class I area may demonstrate to the department that the emissions from a proposed major stationary source or major modification would have an adverse impact on the air quality-related values, including visibility, of a Class I area, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the department concurs with the demonstration, then the department shall not issue the permit.

(e) The owner or operator of a proposed major stationary source or major modification may demonstrate to the federal land manager that the emissions from the source or modification would have no adverse impact on the air quality related values of any Class I areas, including visibility, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with the demonstration and the federal land manager so certifies, the department may issue the permit provided that the applicable requirements of this section are otherwise met, to issue the permit with emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen oxides shall not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Maximum Allowable Increase

<u>Pollutant</u>	<u>(Micrograms Per Cubic Meter)</u>
Particulate matter:	

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PM <sub>10</sub> , annual arithmetic mean	17
PM <sub>10</sub> , 24 hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24 hour maximum	91
3 hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(f) The owner or operator of a proposed major stationary source or major modification that cannot be approved under subsection (e) may demonstrate to the department that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that an exemption under this subsection would not adversely affect the air quality related values of the area, including visibility. The department, after consideration of the federal land manager's recommendation, if any, and subject to the federal land manager's concurrence, may, after notice and public hearing, grant an exemption from such maximum allowable increase. If such exemption is granted, the department shall issue a permit to such major stationary source or major modification pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(g) In any case where the department recommends an exemption in which the federal land manager does not concur, the recommendations of the department and the federal land manager shall be transmitted to the president. The president may approve the department's recommendation if the president finds that the exemption is in the national interest. If the exemption is approved, the department shall issue a permit pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(h) In the case of a permit issued pursuant to subsection (f) or (g), the major stationary source or major modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the major stationary source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase (Micrograms Per Cubic Meter) of Sulfur Dioxide		
Terrain Areas		
Period of Exposure	Low	High
24 hour maximum	36	62
3 hour maximum	130	221

(i) The department shall transmit to the U.S. EPA a copy of each permit application relating to a major stationary source or major modification and provide notice to the U.S. EPA of the following actions related to consideration of such permit under this section:

- (1) Receipt of an advanced notification of a permit application affected by this section.
- (2) Any written notice provided to the federal land manager under this section.
- (3) Public notice of a preliminary determination.
- (4) Notices of public hearings.
- (5) Decisions to grant or deny exemptions in accordance with this section.
- (6) Any decision in accordance with subsection (c) that an analysis submitted by the federal land manager does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the Class I area.
- (7) Denial of a permit.
- (8) Issuance of a permit.

*(Air Pollution Control Board; 326 IAC 2-2-14; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569)*

**326 IAC 2-2-15 Public participation**

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

Affected: IC 13-15; IC 13-17

Sec. 15. (a) An application submitted under this rule shall be processed in accordance with 326 IAC 2-1.1-8.

(b) In addition to the requirements under 326 IAC 2-1.1-6, the requirements in this subsection apply. When making a permit decision under this rule, the department shall do the following:

- (1) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.
- (2) Include information concerning the degree of increment consumption that is expected from the source or modification with the public notice under 326 IAC 2-1.1-6(a)(2).
- (3) Send a copy of the notice of public comment to the applicant, U.S. EPA, and officials and agencies having knowledge of the location where the proposed construction would occur as follows:
  - (A) Any other state or local air pollution control agencies.
  - (B) Any comprehensive regional land use planning agency.
  - (C) Any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification.
- (4) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing or hearings in making a final decision on the approvability of the application. The department shall make all comments available for public inspection in the same locations where the department made available preconstruction information relating to the proposed source or modification.
- (5) Make a final determination whether construction should be approved, approved with conditions, or disapproved.
- (6) Make the notification of the final determination available for public inspection at the same location where the department made available preconstruction information and public comments relating to the source.

*(Air Pollution Control Board; 326 IAC 2-2-15; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2428)*

**326 IAC 2-2-16 Ambient air ceilings**

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

Affected: IC 13-15; IC 13-17

Sec. 16. No concentration of a pollutant under this rule shall exceed the concentration permitted under the national:

- (1) secondary ambient air quality standard as listed under 40 CFR 50.5 through 40 CFR 50.7 and 40 CFR 50.9 through 40 CFR 50.12\*; or
- (2) primary ambient air quality standard as listed under 40 CFR 50.4, 40 CFR 50.6 through 40 CFR 50.9, and 40 CFR 50.11 through 40 CFR 50.12\*;

whichever concentration is lowest for the pollutant for a period of exposure.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 2-2-16; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2429)*

**Rule 2.5. Pollution Control Projects**

**326 IAC 2-2.5-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The modification, addition, or replacement of a pollution control project at an existing source shall not constitute a major modification under 326 IAC 2-2-1(x).

(b) A pollution control project that causes a significant net emission increase pursuant to 326 IAC 2-2, must be approved by the commissioner and the U.S. EPA, if necessary, under the SIP prior to beginning actual construction. To obtain approval of a pollution control project under this rule, the owner or operator shall submit an application for a significant source modification under

326 IAC 2-7-10.5(f)(8) or 326 IAC 2-7-10.5(f)(9).

(c) For sources subject to this rule, the following applies:

(1) The addition, replacement, or use of the pollution control project must be environmentally beneficial as described in subsection (d).

(2) The pollution control project may not cause a significant net increase in representative actual annual emissions of any regulated pollutant that causes or contributes to:

(A) a violation of any national ambient air quality standard;

(B) a violation of PSD increments; or

(C) an adverse impact on any air quality related value at any Class I area.

(d) The commissioner shall determine if a project is environmentally beneficial based on the following criteria:

(1) An evaluation of the types and quantity of air pollutants emitted before and after the project, as well as other relevant environmental factors shall be considered.

(2) Projects that result in an increase in pollutants other than those targeted in the project shall be reviewed to determine that the increase in emissions of the other pollutants has been minimized and does not result in environmental harm.

(3) A project that would result in an unacceptable increased risk due to the release of air toxics is not environmentally beneficial.

(e) The department may request a source to submit an analysis of the air quality impact of the net emissions increase of the pollution control project. (*Air Pollution Control Board; 326 IAC 2-2.5-1; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1571*)

**326 IAC 2-2.5-2 Definitions**

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

Affected: IC 13-15; IC 13-17; 40 CFR 60.15(b)

Sec. 2. (a) The definitions in this section apply throughout this rule, in addition to the definitions in 326 IAC 2-2, except for 326 IAC 2-2-1(dd).

(b) "Pollution control project" means, for purposes of this rule, an activity or project, listed below, undertaken at an existing emissions unit for purposes of reducing emissions from the unit.

(1) Pollution control projects are limited to any of the following:

(A) The installation of conventional and advanced flue gas desulfurization and sorbent injection for sulfur dioxide.

(B) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulate or other pollutants.

(C) Flue gas recirculation, low-NO<sub>x</sub> burners, selective noncatalytic reduction, and selective catalytic reduction for nitrogen oxides.

(D) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, flares, and carbon adsorbers for volatile organic compounds and hazardous air pollutants.

(E) Switching to a fuel that is less polluting than the fuel in use prior to the activity or project, including, but not limited to, natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions and including any activity that is necessary to accommodate switching to a fuel that is less polluting.

(F) A permanent clean coal technology demonstration project under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 (42 U.S.C. 5903(d))\* , up to a total amount of two billion five hundred million dollars (\$2,500,000,000), for commercial demonstration of clean coal technology or similar projects funded through appropriations for the U.S. EPA.

(G) A permanent clean coal technology demonstration project that constitutes a repowering project.

(H) A pollution prevention project that the commissioner has determined to be environmentally beneficial under this rule.

(I) The installation of a technology not listed in subdivisions (1) through (8) of this subsection [*sic.*] that the commissioner has determined to be environmentally beneficial under this rule.

(2) These activities or projects do not include the replacement of an existing emissions unit with a newer or different unit, or the reconstruction, according to 40 CFR 60.15(b)\*, of an existing emissions unit.

(c) "Pollution prevention project" means, for purposes of this rule, a project consisting of an activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants and other pollutants to the environment, including fugitive emissions, prior to recycling, treatment, or disposal.



\*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 2-2.5-2; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1571*)

### **Rule 3. Emission Offset**

#### **326 IAC 2-3-1 Definitions**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two (2) year period which precedes the particular date and which is representative of normal source operation. The commissioner shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The commissioner may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit, other than an electric utility steam generating unit specified in subdivision (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit, other than a new unit or the replacement of an existing unit, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source post-change operations.

(5) When applying for a pollution control project exclusion under subsection (s)(2)(H) for a pollution control project at an existing emissions unit, actual emissions of the unit following the installation of the pollution control project shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the emissions unit resumes regular operation, information demonstrating that the pollution control project and the physical or operational changes to the unit necessary to accommodate the project did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source post-change operations. This subdivision cannot be used to determine if the pollution control project results in a significant net emissions increase. This subdivision can only be used for an application submitted under the pollution control project exclusion to determine if the project results in a significant net increase in representative actual annual emissions.

(c) "Allowable emissions" means the emissions rate of a source calculated using the maximum rated capacity of the source (unless a source is subject to state or federally enforceable permit limits which restrict the operating rate or hours of operation, or both) and the most stringent of the following:

(1) The applicable standards as set forth in 40 CFR 60, New Source Performance Standards (NSPS)\*, and 40 CFR 61\*, National Emission Standards for Hazardous Air Pollutants (NESHAPS)\*.

(2) The emissions limitation imposed by any rule in this title, including those with a future compliance date.

(3) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(d) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, the following:

(1) Installation of building supports and foundations.

(2) Laying underground pipework.

(3) Construction of permanent storage structures.

With respect to a change in method of operations, "begin actual construction" refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(e) "Best available control technology" or "BACT" means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed major stationary source or major modification which the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60\* and 40 CFR 61\*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.

(f) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group, that is, those which have the same first two (2) digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement (U.S. Government Printing Office).

(g) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam that was not in widespread use as of November 15, 1990.

(h) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy—Clean Coal Technology", up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(i) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(j) "Complete", in reference to an application for a permit, means that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the commissioner from requesting or accepting additional information.

(k) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(l) "de minimis", in reference to an emissions increase of volatile organic compounds or from a modification in a serious or severe ozone nonattainment area, means an increase that does not exceed twenty-five (25) tons per year when the net emissions increases from the proposed modification are aggregated on a pollutant specific basis with all other net emissions increases from the source over a five (5) consecutive calendar year period prior to, and including, the year of the modification.

(m) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (1/3) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(n) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant regulated under the provisions of the Clean Air Act.

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

(p) "Incidental emissions reductions" means the reductions in emissions of a pollutant achieved as an indirect result of complying with another rule for another pollutant.

(q) "Internal offset" means to use net emissions decreases from within the source to compensate for an increase in emissions.

(r) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions based on the following:

(1) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable.

(2) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions unit within the stationary source. In no event shall the application of the lowest achievable emission rate permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(s) "Major modification" means any physical change or change in the method of operation of a major stationary source that would result in a significant net emissions increase or in an area which is classified as either a serious or severe ozone nonattainment area, an increase in VOC emissions that is not de minimis of any pollutant which is being regulated under the Clean Air Act. The following provisions apply:

(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan under the Federal Power Act.

(C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source which:

(i) the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976, under 40 CFR 52.21\* or regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or 40 CFR 51.166\*; or

(ii) the source is approved to use under any permit issued under this rule.

(F) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976, under 40 CFR 52.21\* or regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or 40 CFR 51.166\*.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project at an existing emissions unit if the following conditions are met:

(i) Upon review, the department does not determine that:

(AA) such addition, replacement, or use renders the unit less environmentally beneficial; or

(BB) the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the CAA, if any; and

(CC) the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS), PSD increment, or visibility limitation.

During review, the department may request that a source submit an analysis of the air quality impact of the net emissions increase of the pollution control project.

(ii) If a pollution control project would result in a significant net emissions increase in representative actual annual emissions of a pollutant for which an area is classified as nonattainment, or an emissions increase in VOC that is not de minimis in an area which is classified as either serious or severe ozone nonattainment, then those emissions shall be offset on a one-to-one (1:1) ratio, except that no offsets are required for the following:

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(AA) A pollution control project for an electric utility steam generating unit.

(BB) A pollution control project that results in a significant net increase in representative actual annual emissions of any criteria pollutant for which the area is classified as nonattainment and current ambient monitoring data demonstrates that the air quality standard for that pollutant in the nonattainment area is not currently being violated.

(CC) A pollution control project for a NO<sub>x</sub> budget unit, as defined in 326 IAC 10-4-2, that is being installed to control NO<sub>x</sub> emissions for the purpose of complying with 326 IAC 10-4-2.

(iii) A pollution control project as described under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8).

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(i) the state implementation plan; and

(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(t) "Major stationary source" means the following:

(1) Any stationary source of air pollutants, except for those subject to subdivision (2), which emits, or has the potential to emit, one hundred (100) tons per year or more of any air pollutant subject to regulation under the Clean Air Act.

(2) For ozone nonattainment areas, "major stationary source" includes any stationary source or group of sources located within a contiguous area and under common control that emits or has the potential to emit volatile organic compounds that would equal or exceed any of the following rates:

Ozone Classification	Rate
Marginal	100 tons per year
Moderate	100 tons per year
Serious	50 tons per year
Severe	25 tons per year

(3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:

(A) Primary lead smelter.

(B) Secondary lead smelters.

(C) Primary copper smelters.

(D) Lead gasoline additive plants.

(E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.

(4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.

(5) Any physical change occurring at a stationary source not qualifying under subdivision (1), if the change would by itself qualify as a major stationary source under subdivision (1).

(u) "Necessary preconstruction approvals or permits" means those permits or approvals required under 326 IAC 2-2, 326 IAC 2-5.1, and 326 IAC 2-7.

(v) "Net emissions decrease" means the amount by which the sum of the creditable emissions increases and decreases from any source modification project is less than zero (0).

(w) "Net emissions increase", with reference to a significant net emissions increase, means the amount by which the sum of the emission increases and decreases at a source exceeds zero (0). For the purpose of determining de minimis in an area classified as serious or severe for ozone, the amount by which the sum of the emission increases and decreases from any source modification project exceeds zero (0). The following emissions increases and decreases are to be considered when determining net emissions increase:

(1) Any increase in actual emissions from a particular physical change or change in the method of operation.

(2) Any of the following increases and decreases in actual emissions that are contemporaneous with the particular change and are otherwise creditable:

(A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs after January 16, 1979, and between the following:

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- (i) The date five (5) years before construction of the particular change commences.
  - (ii) The date that the increase from the particular change occurs.
- (B) An increase or decrease in actual emissions is creditable only if the commissioner has not relied on the increase or decrease in issuing a permit for the source under this rule, which permit is in effect when the increase in actual emissions from the particular change occurs.
- (C) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.
- (D) A decrease in actual emissions is creditable only to the extent that:
- (i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
  - (ii) it is federally enforceable at and after the time that actual construction on the particular change begins;
  - (iii) the commissioner has not relied on it in issuing any permit under regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or the state has not relied on it in demonstrating attainment or reasonable further progress; and
  - (iv) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (E) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.
- (x) "New", in reference to a major stationary source, a modified major stationary source, or a major modification, means one which commences construction after the effective date of this rule.
- (y) "Pollution control project" means any activity or project undertaken at an existing emissions unit for purposes of reducing emissions from such unit. Such activities or projects do not include the replacement of an existing emissions unit with a newer or different unit, or the reconstruction of an existing emissions unit. Such activities or projects are limited to any of the following:
- (1) The installation of conventional and advanced flue gas desulfurization and sorbent injection for sulfur dioxide.
  - (2) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulate or other pollutants.
  - (3) Flue gas recirculation, low-NO<sub>x</sub> burners, selective noncatalytic reduction and selective catalytic reduction for nitrogen oxides.
  - (4) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, flares, and carbon adsorbers for volatile organic compounds and hazardous air pollutants.
  - (5) An activity or project to accommodate switching to a fuel which is less polluting than the fuel in use prior to the activity or project, including, but not limited to, natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions and including any activity that is necessary to accommodate switching to an inherently less polluting fuel.
  - (6) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 (Sec. 5903(d) of Title 42 of the United States Code), or subsequent appropriations, up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA.
  - (7) A permanent clean coal technology demonstration project that constitutes a repowering project.
  - (8) Pollution prevention projects which the department has determined through a significant source modification to be environmentally beneficial. Pollution prevention projects that may result in an unacceptable increased risk from the release of hazardous air pollutants or that may result in an increase in utilization are not environmentally beneficial.
  - (9) Installation of a technology, for the purposes of this subsection, which is not listed in subdivisions (1) through (8) but is determined to be environmentally beneficial by the department through a significant source modification.
- (z) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.
- (aa) "Reasonable further progress" or "RFP" means the annual incremental reductions in emissions of a pollutant which are sufficient in the judgment of the board to provide reasonable progress towards attainment of the applicable ambient air quality

standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act.

(bb) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

- (1) Atmospheric or pressurized fluidized bed combustion.
- (2) Integrated gasification combined cycle.
- (3) Magnetohydrodynamics.
- (4) Direct and indirect coal-fired turbines.
- (5) Integrated gasification fuel cells.
- (6) As determined by the U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

Repowering shall also include any oil or gas-fired unit, or both, which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. The U.S. EPA shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the Clean Air Act.

(cc) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two (2) year period after a physical change or change in the method of operation of a unit, (or a different consecutive two (2) year period within ten (10) years after that change, where the department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the department shall do the following:

- (1) Consider all relevant information, including, but not limited to, the following:
  - (A) Historical operational data.
  - (B) The company's own representations.
  - (C) Filings with Indiana or federal regulatory authorities.
  - (D) Compliance plans under Title IV of the CAA.

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

(dd) "Secondary emission" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

- (1) emissions from the ships or trains coming to or from the new or modified stationary source; and
- (2) emissions from an off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(ee) "Significant", in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, means a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM <sub>10</sub>	15 tpy
Ozone (marginal and moderate areas)	40 tpy of volatile organic compound (VOC)
Lead	0.6 tpy

(ff) "Source modification project" means all those physical changes or changes in the methods of operation at a source which are necessary to achieve a specific operational change.

(gg) "Stationary source" means any building, structure, facility, or installation, including a stationary internal combustion engine, which emits or may emit any air pollutant subject to regulation under the Clean Air Act.

(hh) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is

operated for a period of five (5) years or less, and that complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

\*These documents are incorporated by reference and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1106; filed Nov 12, 1993, 4:00 p.m.: 17 IR 725; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1002; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Aug 17, 2001, 3:45 p.m.: 25 IR 6; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

**326 IAC 2-3-2 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) This rule applies to new and modified major stationary sources or major modifications constructed in an area designated in 326 IAC 1-4 as nonattainment as of the date of submittal of a complete application, for a pollutant for which the stationary source or modification is major.

(b) This rule applies to modifications of major stationary sources of volatile organic compounds (VOC) in serious and severe ozone nonattainment areas as follows:

(1) A modification of a major stationary source with a de minimis increase in emissions shall be exempt from section 3 of this rule.

(2) A modification having an increase in emissions that is not de minimis to an existing major stationary source that does not have the potential to emit one hundred (100) tons or more of volatile organic compounds (VOC) per year will not be subject to section 3(a) of this rule if the owner or operator of the source elects to internal offset the increase by a ratio of one and three-tenths (1.3) to one (1). If the owner or operator does not make such an election or is unable to, section 3(a) of this rule applies, except that best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) required by section 3(a)(2) of this rule.

(3) A modification having an increase in emissions that is not de minimis to an existing major stationary source emitting or having the potential to emit one hundred (100) tons of volatile organic compounds (VOC) or more per year will be subject to the requirements of section 3(a) of this rule, except that the owner or operator may elect to internal offset the increase at a ratio of one and three-tenths (1.3) to one (1) as a substitute for lowest achievable emission rate (LAER) required by section 3(a)(2) of this rule.

(c) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any federally enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then this rule applies to the source or modification as though construction had not yet commenced on the source or modification.

(d) In the case of an area which has been redesignated nonattainment, any source which would not have been required to submit a permit application under 326 IAC 2-2 concerning the prevention of significant deterioration will not be subject to this rule if construction commences within eighteen (18) months of the area's redesignation.

(e) Major stationary sources or major modifications which would locate in any area designated as attainment or unclassifiable in the state of Indiana and would exceed the following significant impact levels at any locality, for any pollutant, which is designated as nonattainment, must meet the requirements specified in section 3(a)(1) through 3(a)(3) of this rule. All values are expressed in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ):

Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
Sulfur dioxide	1	5	X	25	X
Total suspended particulates	1	5	X	X	X
PM <sub>10</sub>	1	5	X	X	X
Nitrous oxides	1	X	X	X	X
Carbon monoxide	X	X	500	X	2,000

(f) This rule does not apply to a source or modification, other than a source of volatile organic compounds in a serious or severe ozone nonattainment area, or a source of PM<sub>10</sub> in a serious PM<sub>10</sub> area, that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or

modification and the source does not belong to any of the following categories:

- (1) Coal cleaning plants (with thermal driers).
- (2) Kraft pulp mills.
- (3) Portland cement plants.
- (4) Primary zinc smelters.
- (5) Iron and steel mill plants.
- (6) Primary aluminum ore reduction plants.
- (7) Primary copper smelters.
- (8) Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day.
- (9) Hydrofluoric, sulfuric, and nitric acid plants.
- (10) Petroleum refineries.
- (11) Lime plants.
- (12) Phosphate rock processing plants.
- (13) Coke oven batteries.
- (14) Sulfur recovery plants.
- (15) Carbon black plants (furnace process).
- (16) Primary lead smelters.
- (17) Fuel conversion plants.
- (18) Sintering plants.
- (19) Secondary metal production plants.
- (20) Chemical process plants.
- (21) Fossil-fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
- (22) Petroleum storage and transfer unit with a storage capacity exceeding three hundred thousand (300,000) barrels.
- (23) Taconite ore processing plants.
- (24) Glass fiber processing plants.
- (25) Charcoal production plants.
- (26) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
- (27) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(g) For purposes of this rule, secondary emissions from a source need not be considered in determining whether the source would qualify as a major source. However, if a source is subject to this rule on the basis of the direct emissions from the source, the applicable conditions must also be met for secondary emissions. However, such secondary emissions may be exempt from the requirements specified in section 3(a)(2) through 3(a)(3) of this rule.

(h) Hazardous air pollutants listed in and regulated by 326 IAC 14-1 are not exempt from this rule.

(i) The installation, operation, cessation, or removal of temporary clean coal technology demonstration projects funded under the Department of Energy—Clean Coal Technology Appropriations may be exempt from the requirements of section 3 of this rule. To qualify for this exemption, the project must be at an existing facility, operate for no more than five (5) years, and comply with all other applicable rules for the area. (*Air Pollution Control Board; 326 IAC 2-3-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2404; filed Nov 12, 1993, 4:00 p.m.: 17 IR 728; filed Aug 17, 2001, 3:45 p.m.: 25 IR 11*)

### **326 IAC 2-3-3 Applicable requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Prior to the issuance of a construction permit to a source subject to this rule, the applicant shall comply with the following requirements:

- (1) The proposed major new source or major modification shall demonstrate that the source will meet all applicable requirements of this title, any applicable new source performance standard in 40 CFR 60\*, or any national emission standard for hazardous air pollutants in 40 CFR 61\*. If the commissioner determines that the proposed major new source cannot meet



the applicable emission requirements, the permit to construct will be denied.

(2) The applicant will apply emission limitation devices or techniques to the proposed construction or modification such that the lowest achievable emission rate (LAER) for the applicable pollutant will be achieved.

(3) The applicant shall either demonstrate that all existing major sources owned or operated by the applicant in the state of Indiana are in compliance with all applicable emission limitations and standards contained in the Clean Air Act and in this title or demonstrate that they are in compliance with a federally enforceable compliance schedule requiring compliance as expeditiously as practicable.

(4) The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) Emissions resulting from the proposed construction or modification shall be offset by a reduction in actual emissions of the same pollutant from an existing source or combination of existing sources. The emission offset shall be such that there will be reasonable further progress toward attainment of the applicable ambient air quality standards as follows:

(A) Greater than one-for-one, unless otherwise specified.

(B) For ozone nonattainment areas, the following table shall determine the minimum offset ratio requirements for major stationary sources of volatile organic compounds:

Ozone Classification	Minimum Offset Requirements
Marginal	1.1 to 1
Moderate	1.15 to 1
Serious	1.2 to 1
Severe	1.3 to 1

(6) The applicant shall obtain the necessary preconstruction approvals and shall meet all the permit requirements specified in 326 IAC 2-5.1 or 326 IAC 2-7.

(b) The following provisions shall apply to all emission offset evaluations:

(1) Emission offsets shall be determined on a tons per year, and, whenever possible, a pounds per hour basis when all facilities requiring offset involved in the emission offset calculations are operating at their maximum potential or allowed production rate. When offsets are calculated on a tons per year basis, the baseline emissions for existing sources providing the offsets shall be calculated using the allowed or actual annual operating hours, whichever is less.

(2) The baseline for determining credit for emission offsets will be the emission limitations or actual emissions, whichever is lower, in effect at the time the application to construct or modify a source is filed. Credit for emission offset purposes may be allowable for existing control that goes beyond that required by source-specific emission limitations contained in this title.

(3) In cases where the applicable rule under this title does not contain an emission limitation for a source or source category, the emission offset baseline involving such sources shall be the actual emissions determined at their maximum expected or allowable production rate.

(4) In cases where emission limits for existing sources allow greater emissions than the uncontrolled emission rate of the source, emission offset credit shall only be allowed for emissions controlled below the uncontrolled emission rate.

(5) A source may receive offset credit from emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels; provided, that the work force to be affected has been notified of the proposed shutdown or curtailment. Emission offsets that involve reducing operating hours or production or source shutdowns must be federally enforceable. Emission offsets may be credited for a source shutdown or curtailment provided that the applicant can establish that such shutdown or curtailment occurred less than one (1) year prior to the date of permit application, and the proposed new source is a replacement for the shutdown or curtailment.

(6) Emission offset credit involving an existing fuel combustion source will be based on the allowable emissions under other rules of this title for the type of fuel being burned at the time the new source application is filed. If the existing source commits to switch to a cleaner fuel at some future date, emission offset credit based on the allowable emissions for the fuels involved is acceptable; provided, the permit is conditioned to require the use of a specific alternative control measure which would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date. The commissioner will grant emission offset credit for fuel switching only after ensuring that adequate supplies of the new fuel are available at least for the next ten (10) years.

(7) In the case of volatile organic compound emissions, no emission offset credit may be allowed for replacing one (1) hydrocarbon compound with another of lesser reactivity, except for those compounds defined as nonphotochemically reactive hydrocarbons in 326 IAC 1-2-48.

(8) No emission reduction may be approved to offset emissions which cannot be federally enforced. Offsetting emissions shall be considered federally enforceable if the reduction is included as a condition in the applicable permit as specified in 326 IAC 2-5.1 or 326 IAC 2-7, if issued under a federally-approved air permit program.

(9) Emission reductions required under any other rule adopted by the air pollution control board shall not be creditable as emission reductions and therefore cannot be used for emission offsets.

(10) Incidental emission reductions that are not otherwise required by any other rule adopted by the air pollution control board shall be creditable as emission reductions for emission offsets if such emission reductions meet all of the other requirements for offsets.

(11) A source may offset by alternative or innovative means emission increases from rocket engine or motor firing and cleaning related to such firing at an existing or modified major source that tests rocket engines or motors under the following conditions:

(A) Any modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing source that is permitted to test such engines on November 15, 1990.

(B) The source demonstrates to the satisfaction of the department that it has used all reasonable means to obtain and utilize offsets, as determined on an annual basis, for the emissions increases beyond allowable levels, that all available offsets are being used, and that sufficient offsets are not available to the source.

(C) The source has obtained a written finding from:

- (i) the Department of Defense;
- (ii) the Department of Transportation;
- (iii) the National Aeronautics and Space Administration; or
- (iv) other appropriate federal agency;

that the testing of rocket motors or engines at the facility is required for a program essential to the national security.

(D) The source will comply with an alternative measure, imposed by the department, designed to offset any emission increases beyond permitted levels not directly offset by the source.

*(Air Pollution Control Board; 326 IAC 2-3-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2406; filed Nov 12, 1993, 4:00 p.m.: 17 IR 730; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1005; filed Aug 17, 2001, 3:45 p.m.: 25 IR 12)*

**326 IAC 2-3-4 Banking of emission offsets**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-10

Sec. 4. (a) For new sources obtaining permits by applying offsets after January 16, 1979, the commissioner may allow offsets that exceed the requirements of reasonable further progress toward attainment to be banked (i.e., saved to provide offsets for a source seeking a permit in the future) for use under this rule (326 IAC 2-3).

(b) An existing source that reduces its own emissions beyond those required by this title (326 IAC) may bank its excess emission reduction with the prior approval of the commissioner. The commissioner may allow these banked offsets to be used under the preconstruction review program as long as these banked emissions are identified and not used for in the control strategy submitted to EPA to demonstrate attainment and maintenance of ambient air quality standards.

(c) Banked emissions shall be the property of the person providing the offset and shall be identified and registered by the commissioner and shall be incorporated into an enforceable permit.

(d) Decrease in emissions may be credited for offset purposes only if it occurs between the date five (5) years before construction commences on a proposed physical or operational change and the date the increase in actual emissions from that change occurs. In other words, emission reductions may be banked for five (5) years, plus time for construction.

(e) The commissioner may not approve the construction of a source using banked offsets if the new source would interfere with the attainment and maintenance of ambient air quality standards or if such use would violate any other condition set forth in this rule (326 IAC 2-3). *(Air Pollution Control Board; 326 IAC 2-3-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2407)*

**326 IAC 2-3-5 Location of offsetting emissions**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1

Sec. 5. Emission offsets generally must be obtained by the same source or other existing sources in the same nonattainment area. However, the commissioner may allow offsets to be obtained in another nonattainment area under the following conditions:

- (1) The other nonattainment area must have an equal or higher nonattainment classification than the nonattainment area in which the source would construct. This nonattainment classification must be for the same pollutant.
- (2) The emissions from the other nonattainment area must contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source would construct.

However, it is desirable to obtain offset from sources located as close to the proposed new source site as possible. The applicant shall show that nearby offsets were investigated and reasonable alternatives were not available before offsets from sources at greater distances can be approved. In such cases, the commissioner may increase the ratio of the required offsets. (*Air Pollution Control Board; 326 IAC 2-3-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2407; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732*)

**Rule 4. Compliance Using the Bubble Approach (Repealed)**

(*Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072*)

**Rule 4.1. Major Sources of Hazardous Air Pollutants**

**326 IAC 2-4.1-1 New source toxics control**

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

Sec. 1. (a) Any owner or operator who constructs or reconstructs a major source of hazardous air pollutants (HAP), as defined in 40 CFR 63.41\*, after July 27, 1997, including owners or operators with permit applications pending with the department on the effective date of this section, shall comply with the requirements of this section, except as specifically specified in this rule. This section does not apply to an owner or operator that has received all necessary permits for the construction or reconstruction before July 27, 1997. On and after June 29, 1998, this section is intended to implement Section 112(g)(2)(B) of the Clean Air Act (CAA). Subsection (c)(3)(E) and (c)(3)(I) shall not apply to an owner or operator that has received all necessary permits for the construction or reconstruction before June 29, 1998.

(b) This section does not apply to the following exclusions set forth in 40 CFR 63.40\*:

- (1) Electric utility steam generating units until such time as these units are added to the source category list under Section 112(c)(5) of the CAA.
- (2) A major source specifically regulated, or exempted from regulation, by a standard issued pursuant to Section 112(d), 112(h), or 112(j) of the CAA.
- (3) Stationary sources that are within a source category that has been deleted from the source category list under Section 112(c)(9) of the CAA.
- (4) Research and development activities, as defined in 40 CFR 63.41\*.

(c) The air pollution control board incorporates by reference the following provisions of 40 CFR 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*:

- (1) 40 CFR 63.41 Definitions\*.
- (2) 40 CFR 63.42\* Program requirements governing construction or reconstruction of major sources.
- (3) The following subsections of 63.43 Maximum achievable control technology (MACT) determinations for constructed and reconstructed major sources:
  - (A) 40 CFR 63.43(a) Applicability\*.
  - (B) 40 CFR 63.43(b) Requirements for constructed and reconstructed major sources\*.
  - (C) 40 CFR 63.43(d) Principles of MACT determinations\*.
  - (D) 40 CFR 63.43(e) Application requirements for a case-by-case MACT determination\*.
  - (E) 40 CFR 63.43(i) EPA notification\*.
  - (F) 40 CFR 63.43(j) Effective date\*.

- (G) 40 CFR 63.43(k) Compliance date\*.
- (H) 40 CFR 63.43(l) Compliance with MACT determinations\*.
- (I) 40 CFR 63.43(m) Reporting to the Administrator\*.

(4) 40 CFR 63.44 Requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirement\*.

(d) The administrative procedures, public notice, and issuance of MACT approvals under this section are set forth in 326 IAC 2-1.1 and 326 IAC 2-5.1. In addition, permits issued to sources subject to this section shall conform to the provisions of 40 CFR 63.43(g) Notice of MACT approval\*.

(e) This subsection sets forth provisions for a transition period from July 27, 1997, through June 28, 1998, for those sources who have construction permit applications pending with the department on July 27, 1997 (transition applicants). Transition applicants are not required to comply with subsection (c)(3)(D). The department shall notify transition applicants that this section applies to its pending application and provide for an opportunity for the applicant to submit information that may be used by the department to complete the determination of MACT under this section. The department may request additional information regarding the transition applicant's project necessary to determine the proposed control technology and air emissions for purposes of making the determination required by this section. The department may not exceed the applicable permit timeline for completion of review of a transition applicant's application in order to comply with this section. The department's determination of MACT under this section may be based on information about similar sources and hazardous air pollutant emissions that is reasonably available to the department within the applicable time frame for permit review and shall not be construed to be a MACT determination under Section 112(g) of the CAA.

(f) Subsection (c)(4), except 40 CFR 63.44(a)\*, does not apply to a source issued a MACT determination pursuant to the transition program set forth in subsection (e).

\*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 2-4.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1007; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed May 21, 2002, 10:20 a.m.: 25 IR 3058*)

## **Rule 5. General Provisions and Time Periods for Determinations on Permit Applications (Repealed)**

*(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

### **Rule 5.1. Construction of New Sources**

#### **326 IAC 2-5.1-1 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) New sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or not specifically required to obtain a registration or permit under this rule.
- (2) Existing sources operating pursuant to a permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
- (3) Existing sources operating pursuant to a source specific operating agreement under 326 IAC 2-9.
- (4) Existing sources operating pursuant to a permit by rule under 326 IAC 2-10 or 326 IAC 2-11.

*(Air Pollution Control Board; 326 IAC 2-5.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008)*

#### **326 IAC 2-5.1-2 Registrations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 4-21.5-3-4; IC 13-15-4-9; IC 13-17

Sec. 2. (a) On and after the effective date of this rule, this section applies to the following new sources:

- (1) Sources with 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<sub>10</sub>).

(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 (SO<sub>2</sub>).
- (ii) Nitrogen oxides (NO<sub>x</sub>).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources not described in clause (D).

(D) 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 sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) 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 (H<sub>2</sub>S).
- (ii) Total reduced sulfur (TRS).
- (iii) Reduced sulfur compounds.
- (iv) Fluorides.

(2) Any source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(b) No person subject to subsection (a) shall construct or operate any new source subject to this section without registering the new source with the commissioner.

(c) The registrant shall submit an application in accordance with this rule to the commissioner. The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

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

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

(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 or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement 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 state air pollution control rules and the requirements of the CAA. Such signature shall constitute 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.

(d) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(e) 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) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

(f) A registration issued by the commissioner shall include terms and conditions that include all of the following:

- (1) Identification of any and all applicable requirements.
- (2) A physical description of the emissions unit or units and operating information consistent with the application information.
- (3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.
- (4) An approval to operate in accordance with 326 IAC 2-5.5.

(g) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(h) The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4.

(i) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008*)

### **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 the effective date of this rule, 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.
- (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 hazardous air pollutant or twenty-five (25) tons per year of any combination of hazardous air pollutants 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 (PM<sub>10</sub>).
- (ii) Sulfur dioxide (SO<sub>2</sub>).
- (iii) Nitrogen oxides (NO<sub>x</sub>).
- (iv) Volatile organic compounds (VOC).
- (v) Hydrogen sulfide (H<sub>2</sub>S).
- (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 or modification.

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

(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 or modification 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 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. Such signature shall constitute 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.

(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) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) 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. Such 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 a permitted source is located or emissions related activity is conducted, or

where 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 operations, processes, emissions units (including monitoring and air pollution control equipment), or 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. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.

(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) Name and title of the authorized individual.

(B) 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) 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 such amendment does not constitute a modification 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 modification 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*)



**326 IAC 2-5.1-4 Transition procedures**

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. 4. (a) The commissioner shall include an approval to operate and operating conditions in an initial construction permit. The level of approval shall be as follows:

(1) A source may request approval to operate under a state operating permit under 326 IAC 2-6.1 if either of the following applies:

(A) The permit does not include terms and conditions that limit the potential to emit of the source to below thresholds that would require a Part 70 permit.

(B) The source is subject to the Part 70 requirements under 326 IAC 2-7 and will submit a Part 70 permit application within twelve (12) months of the date the source is approved to operate.

(2) A source will obtain approval to operate as a FESOP under 326 IAC 2-8 if the permit includes terms and conditions that limit the potential to emit of the source to below the thresholds that require the source to obtain a Part 70 permit and is issued in accordance with 326 IAC 2-8-13.

(3) A source may obtain approval to operate as a Part 70 source under 326 IAC 2-7 if the permit content and compliance requirements conform to 326 IAC 2-7-5 and 326 IAC 2-7-6 and the permit is issued in accordance with 326 IAC 2-7-17.

(b) If all terms and conditions of 326 IAC 2-1.1-6 were satisfied in the processing of the construction permit, then the emission limitations may be included in the subsequent operating permit without repeating the public notice requirements in 326 IAC 2-1.1-6. (*Air Pollution Control Board; 326 IAC 2-5.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1011*)

**Rule 5.5. Registrations**

**326 IAC 2-5.5-1 Applicability**

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

Affected: IC 13-15; IC 13-17

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

(1) Existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a registration under this rule.

(2) Existing sources operating pursuant 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 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(F) A minor source operating permit under 326 IAC 2-6.1.

(b) On and after the effective date of this rule, this rule applies to the following existing sources:

(1) Sources with 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<sub>10</sub>).

(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 (SO<sub>2</sub>).

(ii) Nitrogen oxides (NO<sub>x</sub>).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources that are not described in clause (D).

(D) 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 sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon

monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) 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 (H<sub>2</sub>S).
- (ii) Total reduced sulfur (TRS).
- (iii) Reduced sulfur compounds.
- (iv) Fluorides.

(2) Any existing source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(c) No person subject to subsection (b) shall operate an existing source subject to this rule without registering the source with the commissioner. (*Air Pollution Control Board; 326 IAC 2-5.5-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

### **326 IAC 2-5.5-2 Compliance schedule**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Any chrome electroplating source that meets the applicability criteria under section 1(b)(2) of this rule shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air registration shall apply for approval under this rule no later than twenty-four (24) months from the effective date of this rule.

(c) Any existing source not described by subsection (a) that does not have a valid air registration shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule. (*Air Pollution Control Board; 326 IAC 2-5.5-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

### **326 IAC 2-5.5-3 Application requirements**

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) Any person required to prepare an application under section 1(b) of this rule shall prepare and submit a permit application to the commissioner in accordance with this section.

(b) The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

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

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

(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 or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement 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 state air pollution control rules and the requirements of the CAA. Such signature shall constitute 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.

(c) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(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) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-5.5-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

#### **326 IAC 2-5.5-4 Registration content**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) A registration issued by the commissioner shall include terms and conditions that include all of the following:

- (1) Identification of any and all applicable requirements.
- (2) A physical description of the emissions unit or units and operating information consistent with the application information.
- (3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(b) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(c) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.5-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013*)

#### **326 IAC 2-5.5-5 Public notice**

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

Affected: IC 4-21.5-3-4; IC 13-15; IC 13-17

Sec. 5. The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4. (*Air Pollution Control Board; 326 IAC 2-5.5-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013*)

#### **326 IAC 2-5.5-6 Source modification**

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 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 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) 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 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 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 the name, address, or telephone number of any person identified in a permit or a change in 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) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) 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) 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) 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) 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.

(12) Modifications that consist of emission units described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(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 revise the registration consistent with the following:
- (1) The commissioner shall revise the registration within thirty (30) days of receipt of the notification.
  - (2) The commissioner shall send a copy of the revised registration to the registrant.
  - (3) 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 submit an application concerning the change or modification prior to making the change or modification and shall 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 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)*

## **Rule 6. Emission Reporting**

### **326 IAC 2-6-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 1. (a) This rule applies to all sources located in the following counties which have the potential to emit volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) into the ambient air at levels equal to or greater than ten (10) tons per year:

- (1) Clark.
- (2) Elkhart.
- (3) Floyd.
- (4) Lake.
- (5) Marion.
- (6) Porter.
- (7) St. Joseph.
- (8) Vanderburgh.

(b) This rule also applies to all sources not covered by subsection (a) which have the potential to emit carbon monoxide (CO), volatile organic compounds (VOC), oxides of nitrogen (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), or sulfur dioxide (SO<sub>2</sub>) into the ambient air at levels equal to or greater than one hundred (100) tons per year.

(c) This rule applies to all sources not covered by subsection (a) or (b) which have the potential to emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(d) If any of the six (6) pollutants listed in subsections (b) and (c) are emitted by a source at levels equal to or greater than the cut-offs set in subsections (a) through (c), then any other emission of a named pollutant by that source must be included in the emission statement even if it is emitted at a level below the applicable cut-offs. *(Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732)*

### **326 IAC 2-6-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 2. The following definitions apply throughout this rule:

- (1) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit for the calendar year or seasonal period.
- (2) "Annual process rate" means the actual or estimated annual fuel, process, or solid waste operating rate in an emission statement operating year.
- (3) "Certifying individual" means the individual responsible for the completion and certification of the emission statement, such as an officer of the company or an employee, and who will take legal responsibility for the accuracy of the emission statement.
- (4) "Control efficiency" means the actual emission control efficiency achieved by the applicable emission control device(s) during the emission statement operating year. The control efficiency shall reflect control equipment downtime, operation with diminished effectiveness, and any other malfunctions that occurred while the emission source(s) were in operation. If the actual

control efficiency during the emission statement operating year is unknown or cannot reasonably be predicted from available data, then the efficiency designed by the manufacturer may be used. When the actual control efficiency is unknown, it should be clearly indicated that the designed efficiency, and not the actual efficiency, is being reported. Control efficiency is a measure of how well the device controls emissions; it should not be confused with capture efficiency which reflects how much of the pollutant is routed to the control device.

(5) "Control equipment identification code" means the Aerometric Information Retrieval System (AIRS) or AIRS Facility Subsystem (AFS) code which defines the equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutants in an air stream prior to discharge to the ambient air.

(6) "Downtime" means the period of time when the control device is not operational during the corresponding period of the process.

(7) "Emission factor" means an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity, divided by the rate of that activity, such as production rate or throughput.

(8) "Emission statement operating year" means the twelve (12) consecutive month time period starting December 1 and ending November 30 for those sources that fall within section 1(a) of this rule and the twelve (12) consecutive month period starting January 1 and ending December 31 for those sources that fall within section 1(b) and 1(c) of this rule.

(9) "Estimated emissions method code" means a one (1) position AIRS or AFS code which identifies the estimation technique used in the calculation of estimated emissions.

(10) "Fugitive emission" means releases to the air that are not emitted through stacks, vents, ducts, pipes, or any other confined air stream, including fugitive equipment leaks, evaporative losses from surface impoundments, and releases from building ventilation systems.

(11) "Oxides of nitrogen" or "NO<sub>x</sub>" means air pollution usage comprised of nitric oxide and nitrogen dioxide expressed as molecular weight of nitrogen dioxide.

(12) "Peak ozone season" means that contiguous three (3) month period of the year from June through August.

(13) "Percentage annual throughput" means the following:

(A) The weighted percent of yearly activity for those sources falling under section 1(a) of this rule for the following periods:

- (i) December through February.
- (ii) March through May.
- (iii) June through August.
- (iv) September through November.

The first season (December through February) will encompass two (2) calendar [*sic.*] years, such as December 1992 through February 1993.

(B) The weighted percent of yearly activity for those sources falling under section 1(b) and 1(c) of this rule for the following periods:

- (i) January through March.
- (ii) April through June.
- (iii) July through September.
- (iv) October through December.

(14) "Plant" means the total facilities available for production or service.

(15) "Point" means a physical emission point or process such as a distinct building or a portion of a building within a plant that results in pollutant emissions. A unique identifier (point identification number) exists for each point within each facility in the AIRS database.

(16) "Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable.

(17) "Process rate" means a quantity per unit time of any raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process. For a stationary internal combustion unit or any other fuel burning equipment, this term means the quantity of fuel burned per unit time.

(18) "Segment" means components of an emissions point or process, at the level that emissions are calculated. An example of a segment is a boiler burning #2 oil. A unique identifier (segment identification number) exists for each segment within each

point and plant in the AIRS database. Each segment is also identified by a source classification code (SCC).

(19) "SIC code" means the standard industrial classification code. A series of codes devised by the Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

(20) "Stack" means a (smoke) stack or vent within a plant where emissions are introduced into the atmosphere. A unique identifier exists for each stack within each facility in the AIRS database.

(21) "Stationary source" means any building, structure, facility, or installation which emits, or may emit, any air pollutant subject to regulation under IC 13-1-1.

(22) "Typical ozone season day" means a day typical of that period of the year during the peak ozone season.

*(Air Pollution Control Board; 326 IAC 2-6-2; filed Nov 12, 1993, 4:00 p.m.: 17 IR 733)*

### **326 IAC 2-6-3 Compliance schedule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 3. (a) The owner or operator of any facility falling within the applicability guidelines set forth in section 1 of this rule must annually submit an emission statement to the commissioner. This submittal must be received by the department each year by April 15 for those sources covered by section 1(a) of this rule and by July 1 for those sources covered by section 1(b) and 1(c) of this rule. The submittal should cover the time period as defined in section 2(8) of this rule.

(b) Emission statement reporting forms and guidance will be provided by the department for applicable sources. *(Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734)*

### **326 IAC 2-6-4 Requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 4. The emission statement submitted by the source must contain, at a minimum, the following information:

(1) Certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying individual. The certifying individual shall be employed by the company and shall take legal responsibility for the accuracy of the emission statement.

(2) Source identification information, to include the following:

(A) Full name, physical location, and mailing address of the facility.

(B) Source latitude and longitude.

(C) SIC code.

(3) Operating data, to include the following:

(A) Percent annual throughput by quarter.

(i) For those sources falling within section 1(a) of this rule, the quarters are as follows:

(AA) December through February.

(BB) March through May.

(CC) June through August.

(DD) September through November.

(ii) For those sources falling within section 1(b) and 1(c) of this rule, the quarters are as follows:

(AA) January through March.

(BB) April through June.

(CC) July through September.

(DD) October through December.

(B) For sources falling within section 1(b) and 1(c) of this rule, the days per week of the normal operating schedule.

(C) For sources falling within within *[sic.]* section 1(a) of this rule, the days per week on both the normal operating schedule and on a typical ozone season week, if different from the normal operating schedule. The peak ozone season for Indiana is June through August.

(D) Hours per day during the normal operating schedule.

- (E) Hours per year during the normal operating schedule.
- (F) For sources falling under section 1(a) of this rule, the weeks of operation during the peak ozone season.
- (G) Annual fuel or process weight and units used.
- (4) Emissions information, to include the following:
  - (A) For sources falling within section 1(b) and 1(c) of this rule, the estimated actual volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, lead, or particulate matter (PM<sub>10</sub>) emissions at the segment level, in tons per year for an annual emission rate. Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method.
  - (B) For sources falling within section 1(a) of this rule, the estimated actual volatile organic compounds and oxides of nitrogen emissions at the segment level, in tons per year for an annual emission rate and pounds per day for a typical ozone season day. Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method.
  - (C) Aerometric information retrieval system (AIRS) facility subsystem estimated emissions method code.
  - (D) Calendar year for the emissions.
  - (E) Emission factor. If emissions were calculated using an emission factor, the emission factor must:
    - (i) be one established in the AP-42, "Compilation of Air Pollutant Emission Factors", Volume 1, Fourth Edition, September 1985\*; or
    - (ii) in the alternative, the source may substitute site specific values other than those listed under item (i) if these site specific values are accepted by the department and the U.S. EPA.
  - (F) Source classification code (SCC) number.
- (5) Control equipment information, to include the following:
  - (A) Current primary and secondary AIRS facility subsystem control equipment identification codes.
  - (B) Current control equipment efficiency percentage. The actual efficiency should reflect the total control efficiency from all control equipment. If the actual control efficiency is unavailable, the efficiency designed by the manufacturer may be used or the control efficiency limit imposed by a permit should be used.
- (6) Process rate data, to include the following:
  - (A) Annual process rate (annual throughput). The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for annual fuel process reporting.
  - (B) For sources falling under section 1(a) of this rule, the peak ozone season daily process rate. The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for peak ozone season daily process rate reporting.

\*These documents are incorporated by reference and are available for review at the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana or for purchase from U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711. (*Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009*)

## **Rule 6.1. Minor Source Operating Permit Program**

### **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 that meet 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 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 326 IAC 2-10.
  - (E) A permit by rule under 326 IAC 2-11.



*(Air Pollution Control Board; 326 IAC 2-6.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015)*

**326 IAC 2-6.1-2 Applicability**

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

Sec. 2. Except for 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. *(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)*

**326 IAC 2-6.1-3 Compliance schedule**

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

Sec. 3. (a) Any chrome electroplating source that meets the applicability criteria under 326 IAC 2-5.1-3 or medical waste incinerator subject to 40 CFR 60, Subpart Ce\*, shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air operating permit must apply for approval under this rule no later than ninety (90) days prior to the expiration date of that permit, except for the following:

- (1) A source subject to the Part 70 Operating Permit Program under 326 IAC 2-7.
- (2) A source subject to the FESOP program under 326 IAC 2-8.
- (3) A source subject to source specific operating agreement requirements under 326 IAC 2-9.
- (4) A source subject to the requirements under 326 IAC 2-10 or 326 IAC 2-11.

(c) Any existing source not described by subsection (a) that does not have a valid air operating permit shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(d) Submittal of a complete Part 70 operating permit application under 326 IAC 2-7-3 and 326 IAC 2-7-4, whether before or after the effective date of this rule, shall satisfy the requirements 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 2-6.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed May 21, 2002, 10:20 a.m.: 25 IR 3062)*

**326 IAC 2-6.1-4 Application requirements**

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. 4. (a) At a minimum, an application for a permit or permit revision 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 or modification.
  - (B) The design capacity and typical operating schedule of the proposed construction or modification.
  - (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 or modification of the source or emissions unit.
- (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 pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutant.

- (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 acknowledgement 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. Such signature shall constitute 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.

(b) 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) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-6.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106*)

#### **326 IAC 2-6.1-5 Operating permit content**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Permits or permit revisions issued under this rule 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. Such 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 section 6 of this rule and the procedures under this rule.
- (4) A requirement that 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 at a reasonable time of day and in accordance with safety requirements:
  - (A) Enter upon the premises where a permitted source is located or emissions-related activity is conducted or where records required by a permit term or condition are kept.
  - (B) Have access to and copy any records that must be kept under this title or the conditions of a permit or operating permit revision.
  - (C) Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under a permit or operating permit revision.
  - (D) 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.
  - (E) Document alleged violations using cameras or video equipment. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.1.
- (5) 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 or registration. The commissioner may request that the source provide an identification of all emission 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.

(b) An operating permit issued under this rule may include terms and conditions that, notwithstanding the permit modification or revision requirements under section 6 of this rule, allow the source to make modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

(1) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(2) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

(c) The commissioner shall not issue a minor source operating permit that includes terms and conditions that limit the potential to emit of the source to below emission thresholds for a Part 70 permit. (*Air Pollution Control Board; 326 IAC 2-6.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1016; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572*)

### **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 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 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 emission limits and standards, applicable monitoring and test methods, and applicable 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 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 signature shall also constitute 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.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes 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 the name, address, or telephone number of any person identified in a permit or a change in 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(d)(1) or a significant change in the method or methods to demonstrate or monitor compliance.
- (6) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) 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) 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) 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) 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) 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) 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.
- (14) 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) 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\*.

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(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.

(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) 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<sub>10</sub>).

(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 (SO<sub>2</sub>).

(ii) Nitrogen oxides (NO<sub>x</sub>).

(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 (H<sub>2</sub>S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(5) 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, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:

(A) Limiting total annual solvent usage or maximum volatile organic compound 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.

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- (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 (PM<sub>10</sub>).
- (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) 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) 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 submit an application concerning the modification and shall 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 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 (i), or would 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 make all changes necessary to assure compliance with this title and the CAA prior to attaching the amendment to the permit. The commissioner shall 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 (PM<sub>10</sub>).
    - (ii) Sulfur dioxide (SO<sub>2</sub>).
    - (iii) Nitrogen oxides (NO<sub>x</sub>).
    - (iv) Volatile organic compounds (VOC).
    - (v) Hydrogen sulfide (H<sub>2</sub>S).
    - (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 as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(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.

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

(A) Any person proposing to make a modification described in subdivision (1) shall submit an application concerning the modification and shall 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 provide for public notice and comment in accordance with 326 IAC 2-1.1-6.

(D) 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).

(E) 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*)

**326 IAC 2-6.1-7 Operating permit renewal**

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) An operating permit shall be valid for a period of time not to exceed five (5) years. However, permits may be valid for any lesser period if determined necessary for administrative reasons by the commissioner.

(b) At least ninety (90) calendar days prior to the expiration date of an operating permit, the applicant shall apply for a new operating permit from the commissioner if the applicant wishes to continue operation of the source. If a timely and sufficient application for renewal has been made, the existing permit does not expire until a final decision on the application for renewal has been made by the department.

(c) The application for the operating permit renewal shall include the following information:

(1) Certification that the source has not changed from the initial permit issuance or that all modifications to the source have been reviewed and approved in accordance with this rule.

(2) Identification of any changes to the source that are subject to this article that have not received approval prior to construction or operation.

(*Air Pollution Control Board; 326 IAC 2-6.1-7; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020*)

**Rule 7. Part 70 Permit Program**

**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 and 326 IAC 1-2, 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 governing solid waste incineration under Section 129 of the CAA.
  - (H) Any standard or other requirement for consumer and commercial products under Section 183(e) of the CAA.
  - (I) Any standard or other requirement for tank vessels under Section 183(f) of the CAA.
  - (J) 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 such requirements need not be contained in a Part 70 permit.
  - (K) 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 hazardous air pollutants that is not a major source. This 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, means:
  - (A) with respect to 40 CFR \*\*, generally, the July 1, 1998, edition of the Code of Federal Regulations; and
  - (B) with respect to 40 CFR 70 \*\*, the codified regulation published in the Federal Register, Volume 57, Number 140, Tuesday, July 21, 1992.
- (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, which:

- (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.

An emergency 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 (SO<sub>2</sub>) per hour, pounds of sulfur dioxide (SO<sub>2</sub>) per mmBtu, or kilograms of volatile organic compounds (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 SO<sub>2</sub>). 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. This 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 which 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 hazardous air pollutants 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 best available control technology (BACT);
- (C) limits relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA, with the exception of limits based on reasonably available control technology (RACT) for sources of volatile organic compounds (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 specified in clauses (A) through (G) as follows:

- (A) 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 volatile organic compounds (VOC), the exemption limit is three (3) pounds per hour or fifteen (15) pounds per day.

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(v) For nitrogen oxides (NO<sub>x</sub>), the exemption limit is five (5) pounds per hour or twenty-five (25) pounds per day.  
(B) 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 (PM<sub>10</sub>), the exemption level is either five (5) pounds per hour or twenty-five (25) pounds per day.

(C) For units with potential uncontrolled emissions of HAPs, that are not listed as insignificant in clauses (D) through (G) or defined as trivial in subdivision (40), 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.

(D) 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.

(E) 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.

(F) 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.

(G) Any of the following listed activities:

(i) Combustion related activities, including the following:

(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 liquified 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 startup.
- (ii) Fuel dispensing activities, including the following:
  - (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:
    - (aa) having a vapor pressure equal to or less than 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) having a vapor pressure equal to or less than 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.
  - (bb) Using eighty (80) tons or less of welding consumables.
- (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.
  - (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 do not produce fugitive emissions and that 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.

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- (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.
- (xxix) Woodworking equipment controlled by a baghouse provided that the following criteria are met:

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- (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.
- (H) Detailed information concerning emissions from activities or equipment listed in clauses (A) through (G) 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.
- (I) Notwithstanding any other requirements in this rule, the applicant shall include all emissions sources and quantify emissions if needed to determine major source status, to determine compliance with any applicable requirement or to determine 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.
- (J) 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 (40) need not be included in a source's annual emission statement required by 326 IAC 2-6.
- (K) 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 section 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 (40);
  - (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.

(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 such source or group of stationary sources on contiguous or adjacent properties belong to the same major group (i.e., 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. This 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 hazardous air pollutant that has been listed in Section 112(b) of the CAA;

(BB) twenty-five (25) tpy or more of any combination of such hazardous air pollutants; 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 such units are in a contiguous area or under common control, to determine whether such 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 (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 volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate;
    - (BB) fifty (50) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as serious;
    - (CC) twenty-five (25) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as severe; or
    - (DD) ten (10) tpy or more of volatile organic compounds 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 volatile organic compounds.
  - (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<sub>10</sub> nonattainment areas classified as serious, sources with the potential to emit seventy (70) tpy or more of PM<sub>10</sub>.
- (23) “Part 70 permit” or “permit”, unless the context suggests otherwise, 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 such 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) “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) “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) “Regulated air pollutant” means any of the following:

- (A) Nitrogen oxides or any volatile organic compounds.
- (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.

(32) “Regulated pollutant which 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) “Renewal” means the process by which a Part 70 permit is reissued at the end of its term.

(34) “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:
    - (AA) the 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) the delegation of authority to such 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) “Risk management plan” means a plan specified by Section 112(r) of the CAA.

(36) “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) “State” means any nonfederal permitting authority, including any local agency, interstate association, or statewide program. The term shall have its conventional meaning where such 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) “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) “Technology-based emission limit” means any enforceable condition that is derived solely or in part from the capabilities of manmade equipment or processes, including, but not limited to, any requirement in a permit based on reasonably available control technology (RACT), best available control technology (BACT), maximum achievable control technology (MACT), lowest achievable emissions reduction (LAER), generally available control technology (GACT), best available retrofit technology (BART), any manufacturers’ specifications, or the sources’ physical potential to emit unless the applicable requirement was relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA.

(40) “Trivial activity” has any of the following meanings:

(A) 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 volatile organic compounds (VOC), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(EE) For nitrogen oxides (NO<sub>x</sub>), 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 (PM<sub>10</sub>), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(B) 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.

(C) 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.

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- (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.
- (D) 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.
- (E) 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.
- (F) 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.
- (G) Housekeeping and janitorial activities and supplies, including the following:

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- (i) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
  - (ii) Steam cleaning activities.
  - (iii) Rest rooms 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.
- (H) 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.
- (I) Lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (J) 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) (propane).
    - (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 soap, vegetable oil, grease, wax, animal fat, and 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.
- (K) 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.
- (L) 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.
- (M) Use of consumer products and equipment where the product or equipment is used at a source in the same manner as normal consumer use and is not associated with any production process.
- (N) 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.
- (O) 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.
- (P) 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) CO<sub>2</sub> lasers, used only on metals and other materials that do not emit HAPs in the process.
  - (iv) Laser trimmers that do not produce fugitive emissions and 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 soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
  - (x) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs are used in the process, and no 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.
- (Q) 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.

(R) 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.

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 326 IAC 2-7-4 [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.

(41) "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*)

**326 IAC 2-7-2 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The following sources are required to have a Part 70 permit:

- (1) Any major source as defined in section 1(22) of this rule.
- (2) Any source, including an area source, subject to a standard, a limitation, or other requirement under Section 111 of the CAA.
- (3) Any source, including an area source, subject to a standard or other requirement under Section 112 of the CAA, or required to have a Part 70 permit under 326 IAC 20, except that a source is not required to obtain a Part 70 permit solely because it is subject to regulations or requirements under Section 112(r) of the CAA.
- (4) Any affected source as defined in section 1(3) of this rule.
- (5) Any source in a source category designated by the U.S. EPA under 40 CFR 70.3\*.

(b) The following source categories are exempt from the requirement to have a Part 70 permit:

- (1) All sources listed in subsection (a) that are not major sources unless such sources are affected sources or solid waste incineration units required to obtain a Part 70 permit under Section 129(e) of the CAA and except as provided in 326 IAC 20.
- (2) Nonmajor sources subject to a standard or other requirement under either Section 111 or 112 of the CAA that are determined by the U.S. EPA to be exempt at the time a new standard is promulgated.
- (3) All sources and source categories that would be required to obtain a Part 70 permit solely because they are subject to 40

CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters\*.

(4) All sources and source categories that would be required to obtain a Part 70 permit solely because they are subject to 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation\*.

(5) A major source that has become nonmajor through the issuance of a federally enforceable state operating permit under 326 IAC 2-8.

(6) A source for which the commissioner has issued an operating agreement under 326 IAC 2-9.

(7) A source that is not subject to this rule because it meets the requirements of 326 IAC 2-10 or 326 IAC 2-11.

(c) Any source listed in subsection (b) as exempt from the requirement to obtain a Part 70 permit may opt to apply for a Part 70 permit under this rule.

(d) Emissions units and Part 70 sources are subject to the following requirements:

(1) For major sources, the commissioner shall include in a Part 70 permit all applicable requirements for all relevant emissions units in the major source.

(2) For any nonmajor source subject to the Part 70 program under this section, the commissioner shall include in a Part 70 permit all applicable requirements applicable to emissions units that cause the source to be subject to the Part 70 program.

(e) Fugitive emissions from a Part 70 source shall be included in a Part 70 permit application and a Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(f) A Part 70 source shall be exempt from the requirement to have an operating permit under 326 IAC 2-6.1 upon the date that an original Part 70 permit issued to the source under this rule becomes effective.

(g) A Part 70 source that has received a permit under 326 IAC 2-5.1 and receives approval to operate under 326 IAC 2-5.1-4(a)(3) by the date a Part 70 permit application would be required for the source is exempt from the requirement to obtain a Part 70 permit under this rule.

\*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 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 2-7-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2253; filed Sep 5, 1996, 11:00 a.m.: 20 IR 9; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2337; errata filed May 9, 1997, 11:30 a.m.: 20 IR 2414; filed May 7, 1997, 4:00 p.m.: 20 IR 2302; errata filed May 9, 1997, 11:30 a.m.: 20 IR 2413; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1031; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1584*)

### **326 IAC 2-7-3 Requirement for a permit**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 3. Except as provided in this section, 40 CFR 70.4(b)(12)(i)\*, and section 12(b) and 12(c) of this rule, no Part 70 source may operate after the time that it is required to submit a timely and complete application except in compliance with a Part 70 permit issued under this rule. If a Part 70 source submits a timely and complete application for Part 70 permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this rule until the commissioner takes final action on a Part 70 permit application, except as noted in this subsection. This protection shall cease to apply if, subsequent to the completeness determination made under section 8(c) of this rule, and as required by section 4(a)(2) of this rule, the applicant fails to submit by the deadline specified in writing by the commissioner any additional information identified as being needed to process the application.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254*)

### **326 IAC 2-7-4 Permit application**

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) The owner or operator of each Part 70 source has a duty to submit a timely and complete permit application as follows:

(1) An application is timely if the following conditions are met:

(A) For a first time applicant, a timely application is an application that is submitted within twelve (12) months after the source becomes subject to the Part 70 permit program unless the commissioner establishes otherwise in accordance with clause (C). A source becomes subject to the Part 70 permit program:

(i) on December 14, 1995, if the source is in existence and meets an applicability criterion of section 2 of this rule on that date; or

(ii) for other sources, on the date on which a source first meets an applicability criterion of section 2 of this rule.

(B) Part 70 sources subject to Section 112(g) of the CAA or required to have a Part 70 permit under the preconstruction review program approved into the applicable implementation plan under Part C or Part D of Title I of the CAA, shall file a complete application to obtain a Part 70 permit or Part 70 permit revision within twelve (12) months after commencing operation or on or before such earlier date as the commissioner may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a Part 70 permit revision before commencing operation.

(C) The commissioner may establish a schedule for submission of applications by source category or other means in order to fulfill the purposes of the CAA with regard to timely issuance of permits. Such schedule shall provide that an application shall be due no more than twelve (12) months after U.S. EPA approval of the Part 70 program. The department shall provide at least twelve (12) months' notice to any source for which an application is due prior to the date established in clause (A).

(D) For purposes of a Part 70 permit renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit. If the commissioner fails to issue or deny the permit renewal prior to the expiration date of the source's existing permit, the existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided under section 15 of this rule, until the renewal permit has been issued or denied.

(2) In order for an application to be deemed complete, it must contain the following information:

(A) Substantive information required by each subdivision under subsection (c). Applications for a Part 70 permit revision must supply substantive information required by each subdivision under subsection (c) only as it relates to the proposed change.

(B) Certification by a responsible official that the submitted information is consistent with subsection (f).

(C) Unless, within sixty (60) days of receipt of an application, the commissioner determines, in accordance with section 8(c) of this rule, that an application is not complete, such application shall be deemed to be complete.

(D) If, while processing an application that has been determined or deemed to be complete, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(E) The source's ability to operate without a permit, as set forth in section 3 of this rule, shall be in effect from the date the application is determined or deemed to be complete until a final Part 70 permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the commissioner.

(3) In the case where a source has submitted confidential information to the commissioner under a claim of confidentiality under 326 IAC 17, the commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(b) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a Part 70 permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft Part 70 permit.

(c) An application for a Part 70 permit shall be submitted on the application form or forms prescribed by the commissioner, or in other application formats authorized by the commissioner, and shall include the information specified in this subsection. Such information shall be included in the application for all emissions units at a Part 70 source. The forms and attachments shall include the following information to the extent necessary to determine applicable requirements, including the requirement to pay fees, compliance with applicable requirements and this rule, and compliance during the term of the permit:

(1) Identifying information, including the following:



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- (A) Company name and address (or plant name and address if different from the company name).
  - (B) Owner's name and agent.
  - (C) Telephone numbers and names of plant site manager or site contact.
- (2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.
- (3) The following emissions related information:
- (A) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A Part 70 permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this subsection. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source and other information necessary to collect any Part 70 permit fees owed under the fee schedule approved under section 19 of this rule.
  - (B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the basis for fees and applicability of requirements of the CAA.
  - (C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
  - (D) The following information to the extent it is needed to determine or regulate emissions:
    - (i) Fuels, including types and characteristics.
    - (ii) Fuel use, including types and quantities combusted.
    - (iii) Raw materials.
    - (iv) Production and process rates.
    - (v) Operating schedules.
  - (E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.
  - (F) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at a Part 70 source.
  - (G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA.
  - (H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.
- (4) The following air pollution control requirements:
- (A) Citation and description of all applicable requirements.
  - (B) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
  - (C) Where an applicant is proposing alternative or streamlined limitations or requirements, or both, the applicant shall provide the required documentation in accordance with 326 IAC 8-1-5 or 326 IAC 10-1-3(3)(A).
- (5) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.
- (6) At the option of the applicant, a request that alternative operating scenarios be provided for in its Part 70 permit. Such a request shall include a description of the alternate operating scenarios that are proposed and any additional information determined to be necessary by the commissioner to define appropriate permit terms and conditions for such alternative scenarios under sections 5(9) and 20(d) of this rule.
- (7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the trading of emissions increases and decreases in the applicant's facility under sections 5(10) and 20(c) of this rule. In addition to such other information as may be requested by the commissioner as necessary to define such permit terms and conditions, the applicant shall include proposed replicable procedures and permit terms that ensure that emission trades conducted under such provisions are quantifiable and enforceable.
- (8) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emission cap program or programs. The request for an emission cap program or programs shall include the information under 326 IAC 2-1.1-12(d).
- (9) Confirmation of the following:
- (A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

- (B) That, upon request, the preventive maintenance plan will be forwarded to the department.
- (10) A compliance plan for all Part 70 sources that contains all of the following information:
- (A) A description of the compliance status of the source with respect to all applicable requirements that addresses the following:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - (ii) For applicable requirements that will become effective during the Part 70 permit term, a statement that the source will meet such requirements on a timely basis.
    - (iii) For requirements for which the source is not in compliance at the time of a Part 70 permit issuance, a narrative description of how the source will achieve compliance with such requirements.
  - (B) A compliance schedule as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - (ii) For applicable requirements that will become effective during the Part 70 permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the Part 70 permit term shall satisfy this requirement unless a more detailed schedule is expressly required by the applicable requirement.
    - (iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of a Part 70 permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of Part 70 permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
  - (C) A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance to remedy a violation.
  - (D) The compliance plan content requirements specified in this section shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the CAA with regard to the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.
- (11) Requirements for compliance certification, including the following:
- (A) A certification of compliance with all applicable requirements by a responsible official consistent with subsection (f) and Section 114(a)(3) of the CAA.
  - (B) A statement of methods used for determining compliance, including a description of monitoring, record keeping, reporting requirements, and test methods.
  - (C) A schedule for submission of compliance certifications during the Part 70 permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the commissioner.
  - (D) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the CAA.
- (12) The use of nationally standardized forms for acid rain portions of Part 70 permit applications and compliance plans as required by the acid rain program.
- (13) Identification of terms, conditions, or requirements under this title that are state enforceable and not enforceable by U.S. EPA.
- (d) An applicant may include in a permit application a description of the types of emergency situations that may arise at the source and the response actions the source proposes to take in such emergency situations.
- (e) The following information need not be included in a permit application submitted under this rule:
- (1) Information concerning insignificant activities as defined in section 1(21) of this rule. However, an applicant shall include a list of all insignificant activities in the application.
  - (2) Trivial activities as defined in section 1(40) of this rule.
- (f) Any application form, report, or compliance certification submitted under this rule shall contain certification by a

responsible official of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(g) An applicant wishing to obtain a compliance extension for requirements under Section 112(d) of the CAA shall follow the procedures under 40 CFR 63.70\* that address application requirements. The commissioner shall forward any application information provided under 40 CFR 63.70\* to the U.S. EPA for approval upon receipt of such information.

\*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 2-7-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2254; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2358; filed May 31, 1996, 4:00 p.m.: 19 IR 2866; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2338; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1032; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1585*)

### **326 IAC 2-7-5 Permit content**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-16-2-1; IC 13-17

Sec. 5. The following shall be included in each Part 70 permit issued under this rule:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements and any additional requirement that is enforceable by the state at the time of a Part 70 permit issuance. The Part 70 permit shall include the following:

(A) The Part 70 permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(B) Copies of relevant portions of the Part 70 permit application may be incorporated as attachments or exhibits only when referenced by specific permit conditions.

(C) Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the Part 70 permit and shall be described in the permit as enforceable by the commissioner and the U.S. EPA.

(D) If an applicable implementation plan allows a determination of an alternative emission limit for a Part 70 source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the commissioner elects to use such process, any Part 70 permit containing an alternative emission limit based on such an equivalency determination shall contain provisions to ensure that the emission limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(E) The Part 70 permit shall specify for each term or condition, including terms and conditions set forth in this title, contained therein whether the term or condition is federally enforceable or state enforceable.

(F) The Part 70 permit shall specify the permit conditions for which the emergency provision of section 16 of this rule is available. The permit may specify emergency situations identified by the source in its application and response actions that, if taken by the source during the emergency, shall constitute reasonable steps to minimize emissions and correct the emergency.

(2) A fixed permit term of five (5) years in the case of affected sources, and a term not to exceed five (5) years in the case of all other sources.

(3) Monitoring and related record keeping and reporting requirements, which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements. At a minimum, the following shall be contained in each Part 70 permit:

(A) With respect to monitoring, each Part 70 permit shall contain the following:

(i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 504(b) or 114(a)(3) of the CAA.

(ii) Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), such periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the Part 70 permit as reported under clause (C). Such monitoring requirements shall assure use

- of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this item.
- (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- (B) With respect to record keeping, the Part 70 permit shall incorporate all applicable record keeping requirements, including, where applicable, the following:
- (i) Records of required monitoring information that include the following:
    - (AA) The date, place, as defined in a Part 70 permit, and time of sampling or measurements.
    - (BB) The dates analyses were performed.
    - (CC) The company or entity that performed the analyses.
    - (DD) The analytical techniques or methods used.
    - (EE) The results of such analyses.
    - (FF) The operating conditions as existing at the time of sampling or measurement.
  - (ii) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes the following:
    - (AA) All calibration and maintenance records.
    - (BB) All original strip chart recordings for continuous monitoring instrumentation.
    - (CC) Copies of all reports required by the Part 70 permit.
    - (DD) For the purposes of complying with this subdivision, the permittee shall retain the records on-site for three (3) years and shall make them available upon request for the two (2) years following.
- (C) With respect to reporting, a Part 70 permit shall incorporate all applicable reporting requirements and require the following:
- (i) Submittal of reports of any required monitoring at least every six (6) months. All instances of deviations from Part 70 permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with section 4(f) of this rule.
  - (ii) The reporting of deviations from Part 70 permit requirements, including those attributable to upset conditions as defined in a Part 70 permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Proper notice submittal under section 16 of this rule satisfies the reporting requirements of this item. Notwithstanding requirements in this section, the reporting of deviations required by an applicable requirement shall follow the schedule stated in the applicable requirement.
  - (iii) Submittal of an annual emission statement that meets the requirements of 326 IAC 2-6, or other equivalent information.
- (4) A Part 70 permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the CAA subject to the following limitations:
- (A) No Part 70 permit revision shall be required for increases in emissions that are authorized by allowances acquired under the Title IV acid rain program, provided that such increases do not require a Part 70 permit revision under any other applicable requirement.
  - (B) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
  - (C) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.
- (5) A severability clause to ensure the continued validity of the various Part 70 permit requirements in the event that a portion of the Part 70 permit is determined to be invalid.
- (6) Provisions stating the following:
- (A) The permittee must comply with all conditions of the Part 70 permit. Any Part 70 permit noncompliance constitutes a violation of the CAA and is grounds for:
    - (i) enforcement action;
    - (ii) Part 70 permit termination, revocation and reissuance, or modification; or
    - (iii) denial of a Part 70 permit renewal application.
  - (B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce

the permitted activity in order to maintain compliance with the conditions of a Part 70 permit.

(C) The Part 70 permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Part 70 permit condition.

(D) The Part 70 permit does not convey any property rights of any sort or any exclusive privilege.

(E) The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 permit or to determine compliance with the Part 70 permit. Upon request, the permittee shall also furnish to the commissioner copies of records required to be kept by a Part 70 permit or, for information claimed to be confidential, the permittee may furnish such records directly to the U.S. EPA along with a claim of confidentiality.

(7) A provision to ensure that a Part 70 source pays fees to the commissioner consistent with the fee schedule approved under section 19 of this rule, or in accordance with a fee schedule established under IC 13-16-2-1. A fee schedule established under IC 13-16-2-1 shall include the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately.

(8) A provision stating that no Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.

(9) Terms and conditions which allow for changes by the permitted source among reasonably anticipated operating scenarios that are identified by the source in its application as approved by the commissioner. Such terms and conditions shall:

(A) require the source, contemporaneously with making a change from one (1) operating scenario to another, to make a record in a log at the permitted facility of the scenario under which it is operating;

(B) require the source to comply with all applicable requirements and the requirements of this rule for each such alternative operating scenario; and

(C) include a summary of the records required under clause (A) to be included in the annual compliance certification submitted under section 6(5) of this rule.

(10) Terms and conditions, if a Part 70 permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance; and

(B) require the permittee to meet all applicable requirements and requirements of this rule.

(11) Terms and conditions, if requested by the permit applicant, which allow for changes at the permitted source that comply with a federally enforceable emissions cap established in accordance with 326 IAC 2-1.1-12 and section 20(e) of this rule. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance with the emission cap limit, all associated applicable requirements, and all terms required under section 20(a) and 20(e) of this rule;

(B) include a federally enforceable emissions cap, which may be independent of otherwise applicable requirements, with which the source must comply;

(C) be consistent with any specific emissions limits or restrictions otherwise required in the permit by any applicable requirements and require the permittee to meet all applicable requirements and all requirements of this rule;

(D) allow construction of new emission units or reconstruction or modification to existing emission units or processes that would otherwise require an operating permit revision or an approval under section 10.5 of this rule, provided the actual emissions from the emission units or processes specified under an emissions cap or to be included under the emissions cap do not exceed the emissions limitation for the cap;

(E) allow for emissions trading solely for the purposes of complying with the emissions cap, provided the emissions cap request contains adequate terms and conditions, including all terms required under subdivision (3) and section 6 of this rule to determine compliance with the cap and with any emissions trading provisions;

(F) contain replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to the cap are quantifiable and enforceable;

(G) be established in accordance with the procedures pursuant to sections 8, 17, and 18 of this rule; and

(H) require the owner or operator to provide notice for those changes that would have otherwise required a minor or significant operating permit revision or an approval under section 10.5 of this rule in accordance with section 20(e) of

this rule.

(12) Each Part 70 permit for a source at which a regulated substance is present in more than a threshold quantity and that is subject to 40 CFR 68\* shall:

(A) identify 40 CFR 68\* as an applicable requirement;

(B) include conditions that require the source owner or operator to submit:

(i) a compliance schedule for meeting the requirements of 40 CFR 68\* by the date provided in 40 CFR 68.10(a)\*; or

(ii) as a part of the compliance certification submitted under section 6(5) of this rule, a certification statement that the source is in compliance with all requirements of 40 CFR 68\*, including the registration and submission of a risk management plan (RMP); and

(C) require the source to verify to the commissioner that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68\*.

(13) A provision that requires the source to do all of the following:

(A) Maintain on-site the preventive maintenance plan required under section 4(c)(9) of this rule.

(B) Implement the preventive maintenance plan.

(C) Forward to the department upon request the preventive maintenance plan.

(14) Except as otherwise provided in section 15 or 20 of this rule, a provision providing the Part 70 permit shield described in section 15 of this rule.

(15) Descriptive information.

(16) Terms and conditions, if requested by the permit applicant, that, notwithstanding the modification approval requirements under section 10.5 of this rule or the permit modification or revision requirements under section 12 of this rule, allow the source to make specifically identified modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

(A) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(B) Monitoring, testing, reporting, and record keeping requirements that are necessary to assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

\*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 2-7-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2257; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2341; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1035; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1588*)

### **326 IAC 2-7-6 Compliance requirements**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 6. Each Part 70 permit issued under this rule shall contain the following requirements with respect to compliance:

(1) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of a Part 70 permit consistent with section 5(3) of this rule. Any document (including reports) required by a Part 70 permit shall contain a certification by a responsible official that meets the requirements of section 4(f) of this rule.

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following:

(A) Enter upon the permittee's premises where a Part 70 source is located or emissions related activity is conducted, or where records must be kept under the conditions of a Part 70 permit.

(B) Have access to and copy any records that must be kept under the conditions of a Part 70 permit.

(C) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under a Part 70 permit.

(D) As authorized by the CAA, sample or monitor substances or parameters for the purpose of assuring compliance with a Part 70 permit or applicable requirements.

(3) A compliance schedule consistent with section 4(c)(10) of this rule.

(4) Progress reports consistent with an applicable schedule of compliance and section 4(c)(10) of this rule shall be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the commissioner. Such progress reports shall contain the following:

(A) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance and dates when such activities, milestones, or compliance were achieved.

(B) An explanation of why any dates in the schedule of compliance were not or will not be met and any preventive or corrective measures adopted.

(5) Requirements for compliance certification with terms and conditions contained in a Part 70 permit, including emission limitations, standards, or work practices. Part 70 permits shall include each of the following:

(A) The frequency (not less than annually or such more frequent periods as specified in the applicable requirements or by the commissioner) of submissions of compliance certifications.

(B) In accordance with section 5(3) of this rule, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices.

(C) A requirement that the compliance certification include the following:

(i) The identification of each term or condition of a Part 70 permit that is the basis of the certification.

(ii) The compliance status.

(iii) Whether compliance was continuous or intermittent.

(iv) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with section 5(3) of this rule.

(v) Such other facts as the commissioner may require to determine the compliance status of the source.

(D) A requirement that all compliance certifications be submitted to the U.S. EPA as well as to the commissioner.

(E) Such additional requirements as may be specified under Sections 114(a)(3) and 504(b) of the CAA.

(6) Such other provisions as the commissioner may require.

*(Air Pollution Control Board; 326 IAC 2-7-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2259)*

### **326 IAC 2-7-7 Federally enforceable requirements**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 4-22-9-5; IC 13-7

Sec. 7. (a) All terms and conditions in a Part 70 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the CAA.

(b) Notwithstanding subsection (a), the commissioner shall specifically designate as not being federally enforceable under the CAA, any terms and conditions included in a Part 70 permit that are not required under the CAA or under any of its applicable requirements. Permit terms and conditions so designated are not subject to the requirements of this section, and are not subject to the U.S. EPA and affected state review provisions in sections 8, 9, 11, 12, 17, and 18 of this rule. *(Air Pollution Control Board; 326 IAC 2-7-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2260)*

### **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 the initial transition plan provided for under 40 CFR 70.4(b)(11)\* or under 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. 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 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 send this technical support document to the U.S. EPA, to the applicant, and to 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.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*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*)

### **326 IAC 2-7-9 Permit reopening**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) A permit shall be reopened and revised under any of the following circumstances:

(1) Additional applicable requirements under the CAA become applicable to a major Part 70 source with a remaining Part 70 permit term of three (3) or more years. Such a permit reopening and revision shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening and revision is required if the effective date of the new applicable requirement is later than the date on which a Part 70 permit is due to expire, unless the existing Part 70 permit or any of its terms or conditions has been extended under section 4(a)(2)(E) of this rule.

(2) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the U.S. EPA, excess emissions offset plans shall be deemed to be incorporated into a Part 70 permit.

(3) The commissioner or the U.S. EPA determines any of the following:

(A) That a Part 70 permit contains a material mistake.

(B) That inaccurate statements were made in establishing the emissions standards or other terms or conditions of a Part 70 permit.

(C) That a Part 70 permit must be revised or revoked to assure compliance with an applicable requirement.

(4) If the U.S. EPA fails to promulgate a standard for a pollutant listed under Section 112(b) of the CAA according to the schedule required in Section 112(e) of the CAA, the commissioner shall make the emission limitations determination for each affected category or subcategory of a major source on a case-by-case basis. Emission limitations established on a case-by-case



basis shall be no less stringent than the standards established in 326 IAC 2-4.1.

(b) Proceedings by the commissioner to reopen and revise a Part 70 permit shall follow the same procedures as apply to initial Part 70 permit issuance and shall affect only those parts of the Part 70 permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable.

(c) The reopening and revision of a permit under subsection (a) shall not be initiated before a notice of such intent is provided to a Part 70 source by the commissioner at least thirty (30) days in advance of the date that the permit is to be reopened, except that the commissioner may provide a shorter time period in the case of an emergency.

(d) If the U.S. EPA finds cause exists to terminate, modify, or revoke and reissue a Part 70 permit, the U.S. EPA will provide written notification to the commissioner and the permittee. Such notification shall initiate the following actions:

(1) The commissioner shall, within ninety (90) days after receipt of such notification, forward to the U.S. EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The U.S. EPA may extend this ninety (90) day period for an additional ninety (90) days if it is found that a new or revised Part 70 permit application is necessary or that the commissioner must require the permittee to submit additional information.

(2) The U.S. EPA will review the proposed determination from the commissioner within ninety (90) days of receipt.

(3) The commissioner shall have ninety (90) days from receipt of the U.S. EPA objection to resolve any objection that the U.S. EPA makes and to terminate, modify, or revoke and reissue a Part 70 permit in accordance with the U.S. EPA's objection.

(4) If the commissioner fails to submit a proposed determination under subdivision (1) or fails to resolve any objection under subdivision (3), the U.S. EPA will terminate, modify, or revoke and reissue the Part 70 permit after taking the following actions:

(A) Providing at least a thirty (30) day notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in this subsection.

(B) Providing the permittee an opportunity for comment on the U.S. EPA's proposed action and an opportunity for a hearing.

*(Air Pollution Control Board; 326 IAC 2-7-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2261; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1038)*

### **326 IAC 2-7-10 Permit expiration**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 10. A Part 70 permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with sections 3 and 4(a) of this rule. *(Air Pollution Control Board; 326 IAC 2-7-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2261)*

### **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 construct new emission units, modify existing emission units, or 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 no 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 source and the emissions unit or units comprising the source.

(iv) A description of 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 Clean Air Act (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 an acknowledgement 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. Such signature shall constitute 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 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 involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1(13) that do not increase the potential to emit  $PM_{10}$  greater than or equal to fifteen (15) tons per year or any other regulated pollutant greater than the thresholds under subdivision (4), but require a significant change in the method or methods to demonstrate or monitor compliance.

(4) 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 ( $PM_{10}$ ).

- (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 (SO<sub>2</sub>).
  - (ii) Nitrogen oxides (NO<sub>x</sub>).
  - (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 (H<sub>2</sub>S).
  - (ii) Total reduced sulfur (TRS).
  - (iii) Reduced sulfur compounds.
  - (iv) Fluorides.
- (5) 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, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:
- (A) Limiting total annual solvent usage or maximum volatile organic compound 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 (PM<sub>10</sub>).
  - (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) A modification that is subject to a 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\*. As part of the application required under subsection (b), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- (7) A change for which a source requests an emission limit to avoid 326 IAC 8-1-6.
- (8) A modification of an existing source that has a potential to emit greater than the thresholds under subdivision (4) 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.
- (9) A modification that has a potential to emit greater than the thresholds under subdivision (4) 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.
- (10) For a source in Lake or Porter County with the potential to emit twenty-five (25) tons per year of either VOC or NO<sub>x</sub>, any

modification that would result in an increase of either emissions as follows:

- (A) Greater than or equal to fifteen (15) pounds per day of VOCs.
  - (B) Greater than or equal to twenty-five (25) pounds per day of NO<sub>x</sub>.
- (e) 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 11 of this rule.
- (f) The following modifications shall be processed in accordance with subsection (g):
- (1) Any modification that would be 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 (PM<sub>10</sub>).
    - (B) Sulfur dioxide (SO<sub>2</sub>).
    - (C) Nitrogen oxides (NO<sub>x</sub>).
    - (D) Volatile organic compounds (VOC).
    - (E) Hydrogen sulfide (H<sub>2</sub>S).
    - (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 hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.
  - (7) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).
  - (8) The addition, replacement, or use of a pollution control project as defined in 326 IAC 2-1.1-1(13) that is exempt under 326 IAC 2-2-1(o)(2)(H). The requirement to process such modifications in accordance with subsection (g) does not apply to pollution control projects that the department approved as an environmentally beneficial pollution control project through a permit issued prior to July 1, 2000.
  - (9) Modifications involving a pollution prevention project as defined in 326 IAC 2-1.1-1(13) that increase the potential to emit any regulated pollutant greater than the applicable thresholds under subdivisions (3) through (7). The requirement to process

such 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 modifications described in subsection (f):

(1) Any person proposing to make a modification described in subsection (f) shall submit an application concerning the modification and shall 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 the requirements of 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 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). The commissioner shall send this technical support document to the U.S. EPA, the applicant, and 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) Name and title of the authorized individual.

(ii) Company name.

(iii) Subject to item (iv), an affirmation that the emissions units described in the modification approval were constructed in conformance with the request for modification approval and that such emissions units 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) 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 such amendment is requested by the source and if such 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 modification application, draft modification approval, proposed modification approval, and 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 shall be deemed incorporated in the Part 70 permit application and 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*)

### **326 IAC 2-7-11 Administrative permit amendments**

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) An administrative permit amendment is a Part 70 permit 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 Part 70 permit, 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 Part 70 permit is necessary, provided that a written agreement containing a specific date for transfer of a Part 70 permit responsibility, coverage, and liability between the current and new permittee has been submitted to the commissioner.

(5) Incorporates into a Part 70 permit the requirements from preconstruction permits issued under section 10.5 of this rule that have satisfied the requirements of sections 17 and 18 of this rule as appropriate.

(6) Incorporates into a Part 70 permit a general permit issued under section 13 of this rule.

(7) Revises descriptive information where the revision will not trigger a new applicable requirement or violate a permit term.

(b) Administrative Part 70 permit amendments, for purposes of the acid rain portion of a Part 70 permit, shall be governed by regulations promulgated under Title IV of the CAA.

(c) An administrative Part 70 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 Part 70 permit amendment to take final action on such request and may incorporate such changes without providing prior notice to the public or affected states provided that it designates any such Part 70 permit revisions as having been made under this subsection.
- (2) The commissioner shall submit a copy of a revised Part 70 permit 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.

*(Air Pollution Control Board; 326 IAC 2-7-11; filed May 25, 1994, 11:00 a.m.: 17 IR 2262; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1043; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1591)*

**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 limit 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. Such 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 such 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 such 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 U.S. EPA has notified the commissioner that 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 does not meet the minor Part 70 permit modification criteria and 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 such 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.

(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 which 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 such 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. Such 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(4) 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)(5) shall apply to modifications eligible for group processing, except that the commissioner shall take one (1) of the actions specified in subsection (b)(5) 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)(6) 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.
- (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. 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)*

**326 IAC 2-7-13 General permits**

Authority: IC 13-1-1-4; IC 13-7-10  
 Affected: IC 13-7

Sec. 13. (a) A general permit may be issued subject to the following conditions:

- (1) A Part 70 general permit shall comply with all requirements applicable to other Part 70 permits and shall identify criteria by which sources may qualify for the general permit.
- (2) The commissioner may, after complying with notice and opportunity for public participation provided under section 17 of this rule, issue a general permit covering numerous similar sources. In providing an opportunity for public comment, the commissioner shall make a reasonable attempt to publish notice in newspapers in general circulation in those areas of the state in which sources that would qualify for coverage under the permit are believed to be located.
- (3) General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the CAA.
- (b) For individual sources and source modifications to obtain general permit coverage, an applicant must do the following:
  - (1) Apply to the commissioner for coverage by the general permit under the terms of the general permit or apply for a Part 70 permit consistent with section 4 of this rule. The commissioner may provide, in the general permit, for applications which deviate from the requirements of section 4 of this rule, provided that such applications meet the requirements of Title V of the CAA, and include all information necessary to determine qualification for, and assure compliance with, the general permit.
  - (2) Request authorization to operate under a general permit and meet the conditions and terms of the general permit. The commissioner shall grant authorization to operate subject to the terms and conditions of the general permit. The notice provisions of section 17 of this rule are not applicable to a grant by the commissioner of a source's request for authorization to operate under a general permit and such a grant shall not be a final action for purposes of judicial review.
  - (3) Notwithstanding the shield provisions of section 15 of this rule, a source which requests and is granted authority to operate under a general permit shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.
  - (4) General permits may be issued for modifications of existing sources.

*(Air Pollution Control Board; 326 IAC 2-7-13; filed May 25, 1994, 11:00 a.m.: 17 IR 2264)*

**326 IAC 2-7-14 Temporary source permits**

Authority: IC 13-1-1-4; IC 13-7-10  
 Affected: IC 13-7

Sec. 14. The commissioner may issue a single Part 70 permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one (1) change of location

during the term of a Part 70 permit. No affected source shall be permitted as a temporary source. Part 70 permits for temporary sources shall include the following:

- (1) Conditions that will assure compliance with all applicable requirements at all authorized locations.
- (2) Requirements that the owner or operator notify the commissioner at least ten (10) days in advance of each change in location.
- (3) Conditions that assure compliance with all other provisions of sections 5 through 7, 13, 15, and 16 of this rule.

*(Air Pollution Control Board; 326 IAC 2-7-14; filed May 25, 1994, 11:00 a.m.: 17 IR 2264)*

### **326 IAC 2-7-15 Permit shield**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 15. (a) Except as provided in this rule, the commissioner shall expressly include in a Part 70 permit a provision stating that compliance with the conditions of a Part 70 permit shall be deemed compliance with any applicable requirements as of the date of a Part 70 permit issuance, provided either of the following:

- (1) The applicable requirements are included and are specifically identified in a Part 70 permit.
- (2) The commissioner, in acting on the Part 70 permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 permit includes the determination or a concise summary thereof.
- (b) A Part 70 permit that does not expressly state that a Part 70 permit shield exists shall be presumed not to provide such a shield.

(c) No permit shield shall apply to any permit term or condition that is determined after issuance of the permit to have been based on erroneous information supplied in the permit application.

(d) If, after issuance of a permit, it is determined that the permit is in nonconformance with an applicable requirement, the commissioner shall immediately take steps to reopen and revise the permit and issue a compliance order to the source to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the source is in compliance with the compliance order.

(e) Nothing in this subsection or in any Part 70 permit shall alter or affect the following:

- (1) The provisions of Section 303 of the CAA (emergency orders), including the authority of the U.S. EPA under Section 303 of the CAA.
- (2) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of a Part 70 permit issuance.
- (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the CAA.
- (4) The ability of U.S. EPA to obtain information from a source under Section 114 of the CAA.

*(Air Pollution Control Board; 326 IAC 2-7-15; filed May 25, 1994, 11:00 a.m.: 17 IR 2265)*

### **326 IAC 2-7-16 Emergency provision**

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

Affected: IC 13-15; IC 13-17

Sec. 16. (a) An emergency as defined in section 1(12) of this rule is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as otherwise provided in this section.

(b) An emergency as defined in section 1(12) of this rule constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the permittee can, to the extent possible, identify the causes of the emergency.
- (2) The permitted facility was at the time being properly operated.
- (3) During the period of an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in a Part 70 permit.
- (4) For an emergency lasting one (1) hour or more, the permittee notified the commissioner within four (4) daytime business hours after:

- (A) the beginning of the emergency; or
  - (B) the emergency is discovered or reasonably should have been discovered.
- (5) The permittee submitted notice either in writing or by facsimile of the emergency under subdivision (4) to the commissioner within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of section 5(3)(C)(ii) of this rule and must contain the following:
- (A) A description of the emergency.
  - (B) Any steps taken to mitigate emissions.
  - (C) Corrective actions taken.
- (6) The permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 for sources subject to this rule after the effective date of this rule. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) Failure to notify the commissioner by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with subsection (b)(4) and (b)(5) shall constitute a violation of this rule and any other applicable rules.
- (f) The commissioner may require that the preventive maintenance plan required under section 4(c)(9) of this rule be revised in response to an emergency.
- (g) Operations may continue during an emergency only if the emergency situation causes a deviation from a technology-based limit. The source may continue to operate the affected emitting facilities during the emergency provided the source immediately takes all reasonable steps to correct the emergency and minimize emissions. (*Air Pollution Control Board; 326 IAC 2-7-16; filed May 25, 1994, 11:00 a.m.: 17 IR 2265; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2347; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1593*)

**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 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 is the subject of the application. Each applicant shall pay the cost of compliance with this requirement. The notice shall be in writing and include the date on which the application was submitted and 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 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 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 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 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 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 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 records shall be available to the public.
- (5) The commissioner shall prepare a written response to comments which shall be available to the public at the time a proposed permit is submitted to the U.S. EPA.
- (6) Notification, in writing, of the final determination shall be given according to IC 13-15-5-3; such notification shall be made available for public inspection at the public library identified in subsection (b)(2).
- (7) 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)*

**326 IAC 2-7-18 Permit review by the U.S. EPA**

Authority: IC 13-1-1-4; IC 13-7-7-1; IC 13-7-10

Affected: IC 13-7

Sec. 18. (a) Except as otherwise waived by the U.S. EPA, the commissioner shall provide to the U.S. EPA a copy of each Part 70 permit application (including any application for permit modification), each draft and proposed permit, and each final permit in accordance with this section.

(b) The commissioner shall submit the draft permit to the U.S. EPA no later than the beginning of the thirty (30) day public review period. The thirty (30) day public review period and the forty-five (45) day U.S. EPA review period may run concurrently in the following manner:

- (1) If the commissioner receives no comments from the public or any affected state, or receives comments that are not based

on applicable requirements or the requirements of this rule, the commissioner will so notify the U.S. EPA and transmit a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. The U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit.

(2) If the commissioner receives comment from the public or an affected state that is based on an applicable requirement or a requirement of this rule, but determines not to revise the permit, the commissioner shall notify the U.S. EPA and any affected state making such comment in writing of the determination not to revise the permit and the reasons therefore at or after the close of the thirty (30) day public comment period. The commissioner shall include a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit unless the U.S. EPA notifies the commissioner within fifteen (15) days of its receipt of the proposed permit that the full forty-five (45) day review period is required.

(3) If the commissioner makes revisions to the draft permit in response to comments from the public or an affected state, the commissioner shall submit a signed copy of the revised permit, which shall be the proposed permit, to the U.S. EPA. The U.S. EPA shall complete its review within forty-five (45) days of receipt of the revised proposed permit and all necessary supporting documentation.

(c) No permit for which an application must be transmitted to the U.S. EPA under subsection (a) shall be issued by the commissioner if the U.S. EPA, in accordance with 40 CFR 70.8(c)(2)\*, objects in writing to its issuance within forty-five (45) days after receipt of the draft or proposed permit and all necessary supporting information as described in subsection (b) above.

(d) If the U.S. EPA does not object to the issuance of a Part 70 permit under subsection (c), any person may petition the U.S. EPA, within sixty (60) days after the expiration of the U.S. EPA's forty-five (45) day review period, to make such objection. Any such petition shall be based only on objections to a Part 70 permit that were raised with reasonable specificity during the public comment period provided under section 17 of this rule, unless the petitioner demonstrates that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period. Such a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the U.S. EPA's forty-five (45) review period and prior to an *[sic., a]* U.S. EPA objection. If the U.S. EPA objects to a Part 70 permit prior to issuance as a result of a petition filed under this subsection, the commissioner shall not issue the permit until the U.S. EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the forty-five (45) day review period and prior to the U.S. EPA's objection. If the commissioner has issued a permit prior to receipt of a U.S. EPA objection under this subsection, the U.S. EPA will modify, terminate, or revoke the permit, consistent with the procedures in section 9(d) of this rule, except in unusual circumstances, and the commissioner may thereafter issue only a revised permit that satisfies the U.S. EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267*)

**326 IAC 2-7-19 Fees**

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

Affected: IC 4-21.5; IC 13-15; IC 13-16-2-1; IC 13-17

Sec. 19. (a) Owners or operators of Part 70 sources are required to pay annual fees as established by this rule. However, the commissioner shall reduce the fee established by this rule by the following:

(1) Fifty percent (50%) for fees assessed in calendar year 1994.

(2) Twenty-five percent (25%) for fees assessed in calendar year 1995. Prior to issuance of a Part 70 permit or a FESOP permit, the source is subject to the fees established in this rule unless notification is provided under 326 IAC 2-8-16(d).

(b) A source shall pay the annual fee within thirty (30) calendar days of receipt of a billing by the department. The department shall bill each source no later than July 31, 1994, and no later than February 1 in subsequent years. A source which begins operation for the first time in a given year shall be billed on a prorated basis by determining the number of complete months remaining in the calendar year and dividing by twelve (12) to determine the percent of the annual fee due to the department. If a source subject to this rule or 326 IAC 2-8 does not receive a bill from the department, the applicable fee must be submitted to the department prior to September 1 in 1994, and April 1 of any subsequent year. If an annual fee is being paid under a fee schedule established under IC 13-16-2-1, the fee shall be paid in accordance with that schedule. Establishment of a fee payment schedule must be consistent with

the provisions of IC 13-16-2-1, including the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately.

(c) Each Part 70 source shall pay a base fee of one thousand five hundred dollars (\$1,500) and shall pay an additional fee of thirty-three dollars (\$33) per ton for each ton of regulated air pollutant emitted, provided that no source shall pay more than one hundred fifty thousand dollars (\$150,000) or, if a source emits more than one hundred (100) tons per year of NO<sub>x</sub> and more than one hundred (100) tons per year of VOC and is located in an area designated as serious or severe nonattainment for ozone in accordance with the CAA, the source shall pay no more than two hundred thousand dollars (\$200,000). During the years of 1994 through 1999 inclusive, any affected unit under Section 404 of the CAA shall be exempted from the fees established under this section. Municipal solid waste incinerators subject to 326 IAC 2-1.1-7(5)(E) shall be exempt from the fees established under this section. The annual emission statement submitted during the previous calendar year required by 326 IAC 2-6 or section 5(3)(C)(iii) of this rule and other available information shall be the basis for determining total tons of actual emissions of each regulated pollutant. If an annual emission report is not required or if more information is needed to accurately determine a source's emissions for a regulated pollutant, the commissioner may require that the source report annual emissions using procedures acceptable to the commissioner prior to billing.

(d) The commissioner shall exclude from the fee calculation the following:

- (1) The amount of a Part 70 source's actual emission of each regulated pollutant that the source emits in excess of four thousand (4,000) tons per year.
- (2) Emissions for which a fee is due in accordance with 326 IAC 2-1.1-7, except for emissions from coke plants subject to 40 CFR 63, Subpart L\*.

(e) After review of the source's annual emission statement and all other available information, the commissioner shall calculate the total emissions to be included in the determination of the annual fee. No source shall be required to pay more than a single dollar-per-ton fee during any billing period for any one (1) ton of pollutant emitted. If the source disputes the calculation of total emissions at the time of the billing, the source shall remit the total fee minus the amount attributable to the disputed emissions total within thirty (30) days of the receipt of a billing. The source shall provide supporting emissions calculations for the commissioner's review no later than thirty (30) days from receipt of the initial billing. The commissioner shall review the information and make a final determination of the total annual fee. The source shall pay any remaining fee within fifteen (15) days of receipt of a second billing. The commissioner's determination of a final fee amount is a final action for purposes of IC 4-21.5.

(f) The commissioner shall adjust the base fee, the cost per ton of emissions fee, and the maximum fee annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the calendar year 1995. Beginning in 1996, in the event that the revenues collected in a given calendar year are insufficient to support the direct and indirect costs of the Title V operating permit program, the commissioner may adjust the fee schedule as necessary to assure adequate revenues, not to exceed thirteen million seven hundred thousand dollars (\$13,700,000) (adjusted by CPI), are collected. The commissioner shall include the full balance of the Title V operating permit program trust fund in determining whether the available funds for the billing year total thirteen million seven hundred thousand dollars (\$13,700,000) (adjusted by CPI). Prior to making any such fee adjustment, the commissioner shall prepare a report demonstrating the revenue shortfall, the need for additional resources to effectively implement the Part 70 permit program, and any proposed adjustment to the fee schedule, and shall make the report available to the public at least sixty (60) days in advance of a regularly scheduled meeting of the air pollution control board, at which the report shall be discussed and affirmed by a majority vote of the board members present. Upon a determination by the commissioner that a fee adjustment is necessary, Part 70 sources shall be billed for the adjustment during the billing cycle following such determination.

(g) Beginning in 1996, the commissioner shall review the monies in the Title V operating permit trust fund prior to billing Part 70 and FESOP sources. If the balance of the fund, once obligated expenditures are subtracted from the balance, exceeds three million dollars (\$3,000,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over three million dollars (\$3,000,000). Adjustments to individual bills shall be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(h) The commissioner shall present a report to the air pollution control board by October 15 of each calendar year, beginning in 1995. The report shall include the following information regarding the permit program required by this rule:

- (1) The number of sources subject to the requirements of this rule.
- (2) The number of permit applications received by the department.
- (3) The number and timeliness of final permit actions taken the previous year.
- (4) A summary of expenditures and revenues to the Title V operating permit program trust fund for the previous year.

(5) The adequacy of the fees collected by the department to fund the Part 70 permit program.

(6) A description of any monies deposited into the Title V operating permit program trust fund that were obtained by means other than fees paid under this section or 326 IAC 2-8-16. The description shall document that such revenues were not used to cover any direct or indirect costs of the Title V operating permit program.

Based on the report, the board may recommend that the commissioner prepare revisions to the annual fee schedule such that the annual aggregate amount of fees collected under the operating permit program is sufficient to cover only the direct and indirect costs of the permit program.

(i) A fee schedule established in subsection (c) may be billed in whole or in part by a local air pollution control agency per terms of an enforceable written agreement or contract between the local air agency and the commissioner. Any Part 70 fee paid to a local air agency shall be considered as revenue to the Title V operating permit trust fund and may, after U.S. EPA approval of the Part 70 permit program, only be expended for purposes consistent with IC 13-17-8-2 through IC 13-17-8-9. A local air agency billing to a Part 70 source shall specify the amount being assessed under this section and shall distinguish any other amount billed as not pursuant to the purposes of IC 13-17-8-2 through IC 13-17-8-9 under an enforceable agreement with the commissioner. The commissioner or local air agency may direct the source to make payment of fees established under this section in part to both the department and the local air agency such that the total Part 70 permit program fee does not exceed the amount in subsection (c). During 1994, the commissioner may defer to billing of a local air agency if the total billing for all Part 70 sources exceeds the total amount due under this section if specified in an enforceable agreement between the local air agency and the commissioner. During 1994, the commissioner may assess a fee not to exceed twenty-five percent (25%) of the local agency fee in order to recover costs associated with development and preparation of a complete statewide Part 70 operating permit program for activities that will not be duplicated by the local air agency if it is determined that the local air agency fees collected from Part 70 and FESOP permittees do not provide adequate revenue for the local agency to develop and prepare the Title V operating permit program at a pace comparable to state development and preparation.

\*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 2-7-19; filed May 25, 1994, 11:00 a.m.: 17 IR 2267; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; errata filed Dec 21, 1994, 9:37 a.m.: 18 IR 1290; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2349; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1045; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3069*)

### **326 IAC 2-7-20 Operational flexibility**

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. 20. (a) An owner or operator of a Part 70 source may make any change or changes at the source that are described in subsection (b), (c), or (e), without a prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provisions of Title I of the CAA.

(2) The changes do not result in emissions which exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

(3) The owner or operator of the Part 70 source notifies the commissioner and U.S. EPA in advance of the change by written notification given at least ten (10) days in advance of the proposed change. The commissioner and the owner or operator of a Part 70 source each shall attach every such notice to their copy of the relevant permit.

(4) The owner or operator of the source maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to subsection (b), (c), or (e), and makes such records available, upon reasonable request, to public review. Such records shall consist of all information required to be submitted to the commission in the notices specified in subsections (b)(1), (c)(1), and (e)(2).

(b) An owner or operator of a Part 70 source may make Section 502(b)(10) of the CAA changes without a permit revision, subject to the constraints of subsection (a) and the following additional conditions:

(1) For each such change, the required written notification shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or conditions that are no longer applicable as a result of the change.

(2) The permit shield described in section 15 of this rule shall not apply to any change made under this subsection.

(c) An owner or operator of a Part 70 source may trade increases and decreases in emissions in the Part 70 source, where the applicable state implementation plan (SIP) provides for such emission trades without requiring a permit revision, subject to the constraints of subsection (a) and the further conditions of this subsection. Such changes may be made without a permit revision regardless of whether the permit fails to provide expressly for such emissions trading provided the following:

(1) For each such change, the required written notification shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including, at a minimum, the following:

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan.

(E) The pollutants emitted subject to the emissions trade.

The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and that provide for the emissions trade.

(2) The permit shield described in section 15 of this rule shall not apply to any change made under this subsection. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

(d) An owner or operator of a Part 70 source may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of the Part 70 permit for the source in accordance with section 5(9) of this rule, without a prior permit revision, subject to compliance with such permit terms and conditions. To procure alternative operating scenarios for its Part 70 permit, the owner or operator of a Part 70 source must request such alternative scenarios in its application for the permit in accordance with section 4(c)(6) of this rule. The provisions of subsection (a) notwithstanding, no advanced notice to the department is required prior to making such a change.

(e) An owner or operator of a Part 70 source may make changes otherwise requiring a minor or significant permit revision under an emissions cap included in a Part 70 permit without a permit revision, subject to the conditions of subsection (a) and the following additional conditions:

(1) The emissions cap has been established in accordance with the emission cap provisions of 326 IAC 2-1.1-12 and this rule.

(2) The notification to the commissioner under subsection (a) shall include the information required under 326 IAC 2-1.1-12(f).

(3) The permit shield in section 15 of this rule shall extend to terms and conditions that allow such increases and decreases in emissions.

*(Air Pollution Control Board; 326 IAC 2-7-20; filed May 25, 1994, 11:00 a.m.: 17 IR 2269; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1047; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1594)*

**326 IAC 2-7-21 Local agencies**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-7

Sec. 21. Pursuant to the CAA and if specified in a written agreement with the commissioner, a local air pollution control agency may perform some or all of the functions of the Part 70 permit program. The commissioner and such a local air agency shall enter into an enforceable written agreement documenting the local air agency's and the department's relative Part 70 permit program roles and responsibilities. *(Air Pollution Control Board; 326 IAC 2-7-21; filed May 25, 1994, 11:00 a.m.: 17 IR 2270)*

**326 IAC 2-7-22 Transition from a Part 70 permit to a federally enforceable state operating permit (FESOP)**

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

Affected: IC 13-15; IC 13-17

Sec. 22. (a) A Part 70 permittee may accept federally enforceable limits, limitations, or conditions to meet the requirements for issuance of a FESOP. A source that meets the conditions of a FESOP may apply for a FESOP and revocation of its Part 70 permit under this section. A source shall operate under the terms of its Part 70 permit until the final FESOP is issued by the department.

(b) An application for a FESOP under this section shall include the following:

(1) Identification of the following:



- (A) Units, processes, or operations that will accept limits, limitations, or conditions to reduce potential to emit.
  - (B) Limits, limitations, or conditions that will be established, including any supporting information or calculations to document that emissions will be below Part 70 applicability.
  - (C) New or modified compliance monitoring requirements for the limits, limitations, or conditions.
- (2) A statement verifying that the information in the existing Part 70 permit application is valid.
  - (3) A one thousand dollar (\$1,000) application fee.
  - (4) A certification by a responsible official consistent with section 4(f) of this rule for all the submitted information.
- (c) Upon receipt of an application for a FESOP under this section, the department shall take the following actions:
- (1) Not later than five (5) days after receipt of the application, send notice of the application to the U.S. EPA and any affected state.
  - (2) Not later than one hundred twenty (120) days after receipt of the application, do either of the following:
    - (A) Determine that additional information is needed and request such information.
    - (B) Provide an opportunity for comment for proposal to issue or deny the FESOP in accordance with 326 IAC 2-8-13(c) and do either of the following:
      - (i) Issue a FESOP incorporating the changes and new limits, limitations, or conditions and revoke the existing Part 70 permit upon issuing the FESOP.
      - (ii) Deny the application.
  - (3) Submit a copy of a draft and final FESOP issued under this section to the U.S. EPA.
  - (d) The applicant shall comply with the notice requirements under 326 IAC 2-8-13(a) and 326 IAC 2-8-13(b).
  - (e) Payment of an annual operating fee due under 326 IAC 2-8-16 or refund of an annual operating fee paid under section 19 of this rule shall be prorated. (*Air Pollution Control Board; 326 IAC 2-7-22; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2351*)

**326 IAC 2-7-23 Transition from a Part 70 permit to a source specific operating agreement (SSOA)**

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

Sec. 23. (a) A source operating under a Part 70 permit may accept limits, limitations, or conditions to meet the requirements for issuance of an existing source specific operating agreement (SSOA), as defined in 326 IAC 2-9. A source that meets the conditions of an existing SSOA may request coverage under a specific provision of 326 IAC 2-9 and revocation of its Part 70 permit. A source shall operate under the terms of it [*sic., its*] Part 70 permit until the final SSOA is issued by the department.

- (b) A request for a SSOA shall include the following:
  - (1) A completed application form or forms as provided by the commissioner.
  - (2) The appropriate application fee under 326 IAC 2-9.
- (c) Upon receipt of a request, the department shall take the following actions:
  - (1) Not later than five (5) days after receipt of the request, send a notice of the request to the U.S. EPA and any affected state.
  - (2) Not later than ninety (90) days after the receipt of the request, do any of the following:
    - (A) Determine that additional information is needed and request such information.
    - (B) Issue a SSOA and revoke the existing Part 70 permit upon issuing the SSOA.
    - (C) Deny the request.

(d) Refund of the annual operating fee paid under section 19 of this rule shall be prorated. (*Air Pollution Control Board; 326 IAC 2-7-23; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2352*)

**326 IAC 2-7-24 Establishment of streamlined requirements for units subject to multiple requirements**

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

Sec. 24. (a) A source owner subject to this rule may request to comply with streamlined requirements for any unit subject to multiple requirements for a specific pollutant, provided the streamlined requirements are established under the Part 70 permit issuance, renewal, or significant permit modification process under this rule.

- (b) A source proposing the streamlining of multiple requirements shall use the following procedures:
  - (1) The applicant shall submit a proposal for the streamlining of multiple requirements with the permit application required

under section 4 of this rule or any amendment thereof. The proposal for streamlining of multiple requirements may be submitted up to thirty (30) days after issuance of the draft permit.

(2) The applicant shall provide a side-by-side comparison of all requirements included in a streamlining proposal that are currently applicable and effective for each specific regulated air pollutant and emissions unit for which streamlining is being proposed. The applicant shall distinguish between requirements that are emissions standards or work practice standards, or both, and monitoring and compliance demonstration provisions in the streamlining proposal. The applicant shall provide any information the department determines is needed to evaluate the proposal.

(3) The applicant shall develop and provide a compliance schedule with the streamlining proposal to implement any new monitoring requirements or compliance requirements, or both, relevant to the streamlined limit, if the source is unable to comply with the streamlined limit upon permit issuance. The record keeping, monitoring, and reporting requirements of the applicable requirements being subsumed shall remain in effect, as well as any emission limits associated with those requirements, until the new monitoring requirements or compliance requirements, or both, become effective.

(c) In the event the department determines the proposal to be inadequate, the applicant shall be notified and given a reasonable deadline to respond.

(d) The commissioner shall include citations to all subsumed requirements in the Part 70 permit's specification of the origin and authority of permit conditions and shall specify all subsumed requirements under the permit shield. In addition, the Part 70 permit shall include any additional terms and conditions necessary to assure compliance with the streamlined requirement and all subsumed requirements. In all instances, the proposed permit terms and conditions shall be enforceable as a practical matter.

(e) The commissioner may deny a request for streamlining of multiple requirements for any of the following reasons:

- (1) The streamlined requirements are not as stringent as the requirements to be subsumed.
- (2) The streamlined requirements will not adequately assure compliance with all applicable requirements.
- (3) U.S. EPA objects to the use of the streamlined requirements.
- (4) Any other reason related to the stringency of the streamlined requirements or compliance with the CAA.

(f) In carrying out the public participation and notice to affected states requirements under section 17 of this rule, the commissioner shall do the following:

- (1) Note the use of streamlined requirements or limits, or both, in any required transmittal of a Part 70 application, Part 70 modification application, application summary, or revised application to U.S. EPA and an affected state.
- (2) Include the demonstration used to establish streamlined requirements and supporting documentation in the public record.
- (3) Reissue a draft permit in any case where a request for streamlining of multiple requirements is submitted to the department after issuance of the draft permit.

(g) A streamlined requirement is approved for the source by the U.S. EPA if it is incorporated in an issued Part 70 permit to which the U.S. EPA has not objected. Public comments concerning a Part 70 permit that includes a streamlined requirement shall be transmitted to the U.S. EPA no later than five (5) working days after the end of the public comment period. The commissioner's determination of approval is not binding on the U.S. EPA.

(h) If the commissioner or the U.S. EPA determines that the Part 70 permit does not assure compliance with applicable requirements, the commissioner shall reopen and revise the permit.

(i) The source shall comply with all applicable requirements to be subsumed by the proposed streamlined requirement until the Part 70 permit has been issued with the streamlined requirements.

(j) A source violating a streamlined limitation or requirement in a Part 70 permit may be subject to an enforcement action for violation of one (1) or more of the subsumed requirements.

(k) Noncompliance with any provision in a permit established pursuant to this section constitutes a violation of this rule. (*Air Pollution Control Board; 326 IAC 2-7-24; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2352; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1048; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1595*)

### **326 IAC 2-7-25 Establishment of alternative state-only requirements (Repealed)**

*Sec. 25. (Repealed by Air Pollution Control Board; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1604)*

## **Rule 8. Federally Enforceable State Operating Permit Program**

**326 IAC 2-8-1 Definitions**

Authority: IC 13-1-1-4; IC 13-7-10  
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 1. In addition to the definitions provided in IC 13-7-1, IC 13-1-1-2, 326 IAC 1-2, and 326 IC 2-7, the following definitions apply throughout this rule:

- (1) "FESOP" means a federally enforceable state operating permit issued in accordance with this section.
- (2) "FESOP source" means a source that has been issued a permit by the commissioner under this rule.

*(Air Pollution Control Board; 326 IAC 2-8-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2271)*

**326 IAC 2-8-2 Applicability**

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

Sec. 2. (a) A source required to have a Part 70 permit as described in 326 IAC 2-7-2(a) may apply to the commissioner for a FESOP. Until the commissioner has issued a FESOP for the source, the source is subject to all applicable requirements of 326 IAC 2-7. If the commissioner has not issued a source that exists on December 14, 1995, a final FESOP by December 14, 1996, the source must comply with all provisions of 326 IAC 2-7.

(b) Any source required to obtain a permit under 326 IAC 2-6.1 may apply to the commissioner for a FESOP. *(Air Pollution Control Board; 326 IAC 2-8-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2354; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1049)*

**326 IAC 2-8-3 Permit application**

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

Sec. 3. (a) The owner or operator of a source seeking a FESOP shall submit a complete application on such form or forms as the commissioner may establish, or in other application formats authorized by the commissioner. An application for a FESOP may be submitted at any time. Unless, within ninety (90) days of receipt of an application, the commissioner determines that an application is not complete, such application shall be deemed to be complete.

(b) In order for an application to be deemed complete, it must contain the following:

- (1) Substantive information required under subsection (c). Applications for a FESOP revision must supply substantive information required under subsection (c) only as it relates to the proposed change.
- (2) Certification by an authorized individual that the submitted information is consistent with subsection (d).

(c) An application for a FESOP shall include the information specified in this subsection to the extent necessary to determine applicable requirements, compliance with applicable requirements and this rule, and compliance with the terms and conditions of a FESOP. The following information shall be included in the application for all emissions units at a FESOP source:

(1) Identifying information, including the following:

- (A) Company name and address (or plant name and address if different from the company name).
- (B) Owner's name and agent.
- (C) Telephone numbers and names of plant site manager, authorized individual, or site contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.

(3) The following emissions related information:

- (A) All emissions of regulated air pollutants. A FESOP application shall describe all emissions of regulated air pollutants emitted from any emissions unit. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source.
- (B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the applicability of requirements of this title.
- (C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

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(D) The following information to the extent it is needed to determine or regulate emissions:

- (i) Fuels, including types and characteristics.
- (ii) Fuel use, including types and quantities combusted.
- (iii) Raw materials.
- (iv) Production and process rates.
- (v) Operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, as requested by the applicant, for all regulated pollutants at a FESOP source.

(G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA.

(H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.

(I) Insignificant activities shall be listed, but the emissions related information described in this subdivision need not be provided unless the commissioner determines that such information is necessary to determine the applicability of 40 CFR 70\*. Information concerning trivial activities as defined in 326 IAC 2-7-1(40) need not be included in permit applications submitted under this rule.

(4) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.

(5) An explanation of any proposed exemptions from otherwise applicable requirements.

(6) Confirmation of the following:

(A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

(B) That upon request the source will forward to department the preventive maintenance plan.

(7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).

(d) Any application form or compliance certification submitted under this rule shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) In the case where a source has submitted information to the commissioner under a claim of confidentiality under 326 IAC 17, the commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a FESOP application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft FESOP. In addition, the applicant shall provide additional information as requested by the commissioner to determine the compliance status of the source in accordance with section 5(a) of this rule.

(g) If, while processing an application, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(h) For purposes of a FESOP renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-8-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2355; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1050; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107*)

**326 IAC 2-8-4 Permit content**

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

Affected: IC 13-15; IC 13-17

Sec. 4. The following shall be included in each FESOP issued under this rule:

(1) Emission limitations and standards, including those operational requirements and limitations that limit the source's capacity to emit any air pollutants such that it does not fall within any of the categories listed in 326 IAC 2-7-2(a) and that assure compliance with all applicable requirements at the time of FESOP issuance. The FESOP shall include the following:

(A) The FESOP shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(B) Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the FESOP and shall be described in the permit as enforceable by the commissioner and the U.S. EPA.

(C) If an applicable implementation plan allows a determination of an alternative emission limit for a FESOP source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the commissioner elects to use such process, any FESOP containing an alternative emission limit based on such an equivalency determination shall contain provisions to ensure that such emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(D) Emission limitations applicable to startup, shutdown, and emergency bypasses shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed so as to minimize the frequency of such events and to minimize the excess emissions caused by these events, to the extent feasible, taking into consideration available technologies, safety, cost, and other relevant factors.

(2) A permit term not to exceed five (5) years from the date of issuance.

(3) Monitoring and related record keeping and reporting requirements which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements. At a minimum, the following shall be contained in each FESOP:

(A) Each FESOP shall contain the following requirements with respect to monitoring:

(i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 504(b) or 114(a)(3) of the CAA.

(ii) Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the FESOP, as reported under clause (C). Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this clause.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(B) With respect to record keeping, the FESOP shall incorporate all applicable record keeping requirements, including, where applicable, the following:

(i) Records of required monitoring information that include the following:

(AA) The date, place, as defined in the FESOP, and time of sampling or measurements.

(BB) The dates analyses were performed.

(CC) The company or entity that performed the analyses.

(DD) The analytical techniques or methods used.

(EE) The results of such analyses.

(FF) The operating conditions as existing at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes the following:

(AA) All calibration and maintenance records.

(BB) All original strip chart recordings for continuous monitoring instrumentation.

- (CC) Copies of all reports required by a FESOP.
- (DD) For the purposes of complying with this subdivision, the permittee shall retain the records on-site for three (3) years and shall make them available upon request for the two (2) years following.
- (C) With respect to reporting, a FESOP shall incorporate all applicable reporting requirements and requirements for the following:
  - (i) Submittal of reports of any required monitoring at least every six (6) months. All instances of deviations from FESOP requirements must be clearly identified in such reports. All required reports must be certified by an authorized individual consistent with section 3(d) of this rule.
  - (ii) The reporting of deviations from FESOP requirements, including those attributable to upset conditions as defined in a FESOP permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Proper notice submittal under section 12 of this rule satisfies the reporting requirements of this item. Notwithstanding requirements in this section, the reporting of deviations required by an applicable requirement shall follow the schedule stated in the applicable requirement.
- (4) A severability clause to ensure the continued validity of the various FESOP requirements in the event that a portion of the FESOP is determined to be invalid.
- (5) Provisions stating the following:
  - (A) The permittee must comply with all conditions of the FESOP. Noncompliance with any provision of a FESOP is grounds for:
    - (i) enforcement action;
    - (ii) FESOP termination, revocation and reissuance, or modification; and
    - (iii) denial of a FESOP renewal application.
  - (B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of a FESOP.
  - (C) The FESOP may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any FESOP condition.
  - (D) The FESOP does not convey any property rights of any sort or any exclusive privilege.
  - (E) The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating a FESOP or to determine compliance with a FESOP. Upon request, the permittee shall also furnish to the commissioner copies of records required to be kept by a FESOP or, for information claimed to be confidential, the permittee may furnish such records directly to the U.S. EPA along with a claim of confidentiality.
- (6) A provision to ensure that a FESOP source pays fees to the commissioner consistent with the fee schedule approved under section 16 of this rule.
- (7) Terms and conditions which allow for changes by the FESOP source among reasonably anticipated operating scenarios that are identified by the source in its application as approved by the commissioner. Such terms and conditions shall:
  - (A) require the source, contemporaneously with making a change from one (1) operating scenario to another, to make a record in a log at the permitted facility of the scenario under which it is operating; and
  - (B) for each such alternative operating scenario, require compliance with all applicable requirements and the requirements of this rule.
- (8) Terms and conditions, if a FESOP applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
  - (A) shall include all terms required under section 5 of this rule to determine compliance; and
  - (B) shall require compliance with all applicable requirements and requirements of this rule.
- (9) A provision that requires the source to do all of the following:
  - (A) Maintain on-site the preventive maintenance plan required under section 3(c)(6) of this rule.
  - (B) Implement the preventive maintenance plan.
  - (C) Forward to the department upon request the preventive maintenance plan.
- (10) Descriptive information.
- (11) Terms and conditions, if requested by the permit applicant, that allow for changes at the permitted source, that comply

with a federally enforceable emissions cap established in accordance with 326 IAC 2-1.1-12 and section 15(b) of this rule. Such terms and conditions shall:

- (A) include all terms required under subdivision (3) and section 5 of this rule to determine compliance with the emission cap limit, all associated applicable requirements, and all terms required under section 15(a) and 15(b) of this rule;
- (B) include a federally enforceable emissions cap, which may be independent of otherwise applicable requirements, with which the source must comply;
- (C) require the permittee to meet all applicable requirements and all requirements of this rule;
- (D) allow construction of new emission units or reconstruction or modification to existing emission units or processes that would otherwise require an operating permit revision, provided the actual emissions from the emission units or processes specified under an emissions cap or to be included under the emissions cap do not exceed the emissions limitation for the cap;
- (E) allow for emissions trading solely for the purposes of complying with the emissions cap, provided the emissions cap request contains adequate terms and conditions, including all terms required under subdivision (3) and section 5 of this rule to determine compliance with the cap and with any emissions trading provisions;
- (F) contain replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to the cap are quantifiable and enforceable;
- (G) be established in accordance with the procedures pursuant to sections 13 and 14 of this rule; and
- (H) require the owner or operator to provide notice for those changes that would have otherwise required a minor or significant operating permit revision in accordance with section 15(b) of this rule.

(12) Terms and conditions, if requested by the permit applicant, that, notwithstanding the permit revision requirements under section 11.1 of this rule, allow the source to make specifically identified modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

- (A) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.
- (B) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

*(Air Pollution Control Board; 326 IAC 2-8-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2272; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2356; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1051; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107)*

**326 IAC 2-8-5 Compliance requirements for FESOPs**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Each FESOP shall contain the following requirements:

(1) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the FESOP. Any document (including reports) required by a FESOP shall contain a certification by an authorized individual that meets the requirements of section 3(d) of this rule. Compliance certification requirements shall include the following:

- (A) The frequency of submissions of compliance certifications.
- (B) In accordance with section 4(3) of this rule, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices.
- (C) A requirement that the compliance certification include the following:
  - (i) The identification of each term or condition of the FESOP that is the basis of the certification.
  - (ii) The compliance status.
  - (iii) Whether compliance was continuous or intermittent.
  - (iv) The methods used for determining the compliance status of the source, currently and over the reporting period.
  - (v) Such other facts as the commissioner may require to determine the compliance status of the source.

(D) Such additional requirements as may be specified under Sections 114(a)(3) and 504(b) of the CAA.

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the commissioner, an authorized representative, or the U.S. EPA to perform the following:

(A) Enter upon the permittee's premises where a FESOP source is located or emissions related activity is conducted, or where records must be kept under the conditions of a FESOP.

(B) Have access to and copy, at reasonable times, any records that must be kept under the conditions of a FESOP.

(C) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under a FESOP.

(D) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with a FESOP or applicable requirements.

(3) A schedule for compliance with any requirement with which the source is not in compliance at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones leading to compliance with any requirements for which the source will be in noncompliance at the time of FESOP issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(4) Such other provisions as the commissioner may require.

(b) The commissioner may issue a compliance order to any source upon discovery that an issued permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement. (*Air Pollution Control Board; 326 IAC 2-8-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2274; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1053*)

### **326 IAC 2-8-6 Federally enforceable requirements**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 4-22-9-5; IC 13-7

Sec. 6. (a) The commissioner may not issue a FESOP that waives, or makes less stringent, any limitation or requirement contained in or issued under the state implementation plan (SIP) or requirements that are otherwise federally enforceable under the CAA. Permits that do not conform to the requirements of this rule and the requirements of U.S. EPA's underlying regulations may be deemed by the U.S. EPA not federally enforceable.

(b) All terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the CAA. (*Air Pollution Control Board; 326 IAC 2-8-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2274*)

### **326 IAC 2-8-7 Permit issuance, renewal, and revisions**

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) A FESOP, FESOP 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 FESOP, FESOP modification, or FESOP renewal.

(2) The commissioner has complied with the requirements for public notice under section 13 of this rule.

(3) The conditions of the FESOP provide for compliance with all applicable requirements and the requirements of this rule.

(4) The U.S. EPA has received a copy of the draft FESOP and any notices required and has either:

(A) not objected to the issuance of the FESOP not later than thirty (30) days after receipt of the draft FESOP; or

(B) confirmed that the commissioner has adequately addressed an objection.

(b) 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 2-5.1. (*Air Pollution Control Board; 326 IAC 2-8-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2274; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1054*)



**326 IAC 2-8-8 Permit reopening**

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

Affected: IC 13-15-7; IC 13-17

Sec. 8. (a) A permit may be reopened and revised under any of the circumstances listed in IC 13-7-10-5 [*IC 13-7-10-5 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.*] or if the commissioner determines any of the following:

- (1) That a FESOP contains a material mistake.
- (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions of a FESOP.
- (3) That a FESOP must be revised or revoked to assure compliance with an applicable requirement.

(b) Proceedings by the commissioner to reopen and revise a FESOP shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable.

(c) The reopening and revision of a FESOP under subsection (a) shall not be initiated before a notice of such intent is provided to a FESOP source by the commissioner at least thirty (30) days in advance of the date the permit is to be reopened, except that the commissioner may provide a shorter time period in the case of an emergency. (*Air Pollution Control Board; 326 IAC 2-8-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2275; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358*)

**326 IAC 2-8-9 Permit expiration**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 9. FESOP expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with sections 3(h) and 7 of this rule. (*Air Pollution Control Board; 326 IAC 2-8-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2275*)

**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 monitoring, maintenance, or record keeping requirement that is not environmentally significant. Such 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\*.
- (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.
- (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.
- (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(d)(1) or a significant change in the method or methods to demonstrate or monitor compliance.

(12) 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) 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) 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) 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) 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.

(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 request and may incorporate such 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*)

**326 IAC 2-8-11 Permit modification (Repealed)**

Sec. 11. (*Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072*)

**326 IAC 2-8-11.1 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. 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, 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 no 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) 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 such 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 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 (e)(1), but requires a significant change in the method or methods to demonstrate or monitor compliance.
- (4) 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<sub>10</sub>).
  - (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of sulfur dioxide (SO<sub>2</sub>).
  - (C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of nitrogen oxides (NO<sub>x</sub>).

- (D) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (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 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.
  - (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).
  - (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 (H<sub>2</sub>S).
    - (ii) Total reduced sulfur (TRS).
    - (iii) Reduced sulfur compounds.
    - (iv) Fluorides.
- (5) 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, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:
- (A) Limiting total annual solvent usage or maximum volatile organic compound 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 (PM<sub>10</sub>).
  - (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) A change that is not described under section 10(a)(15) or 10(a)(16) of this rule and is subject to a 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\*. As part of the application required under subsection (b), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- (7) 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 submit an application concerning the change and shall 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 notify the permittee upon incorporation of the minor permit revision to the permit and 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.

(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<sub>10</sub>).

(ii) Sulfur dioxide (SO<sub>2</sub>).

(iii) Nitrogen oxides (NO<sub>x</sub>).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H<sub>2</sub>S).

(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 as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(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 results in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and 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 increases the potential to emit any regulated pollutant greater than the thresholds under this section or that results in emissions of any regulated pollutant not previously emitted.

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

(A) Any person proposing to make a modification described in this subsection shall submit an application concerning the modification and shall 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 the existence of an emissions cap, the following changes shall be required to be reviewed in accordance with the procedures in subsection (f):

- (1) Any modifications that trigger any new applicable requirements for the units or processes under the cap.
- (2) Any modifications that require an adjustment to the emissions cap limitations.
- (3) Any modifications that change any existing requirements for the units or processes under the cap.

\*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*)

**326 IAC 2-8-12 Emergency provision**

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

Affected: IC 13-15; IC 13-17

Sec. 12. (a) An emergency as defined in 326 IAC 2-7-1(12) is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as otherwise provided in this section.

(b) An emergency as defined in 326 IAC 2-7-1(12) constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the permittee can, to the extent possible, identify the causes of the emergency.
- (2) The permitted facility was at the time being properly operated.
- (3) During the period of an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in a FESOP.
- (4) For an emergency lasting one (1) hour or more, the permittee notified the commissioner within four (4) daytime business hours after:

- (A) the beginning of the emergency; or
- (B) the emergency is discovered or reasonably should have been discovered.

(5) The permittee submitted notice either in writing or by facsimile of the emergency under subdivision (4) to the commissioner within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of section 4(3)(C)(ii) of this rule and must contain the following:

- (A) A description of the emergency.
- (B) Any steps taken to mitigate emissions.
- (C) Corrective actions taken.

(6) The permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 for sources subject to this rule after the effective date of this rule. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(e) The commissioner may require that the preventive maintenance plan required under section 3(c)(6) of this rule be revised in response to an emergency.

(f) Failure to notify the commissioner by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with subdivisions (4) and (5) of subsection (b) [*subsection (b)(4) and (b)(5)*] shall constitute a violation of this rule and any other applicable rules.

(g) Operations may continue during an emergency if the following conditions are met:

(1) If the emergency situation causes a deviation from a technology-based limit, the source may continue to operate the affected emitting facilities during the emergency provided the source immediately takes all reasonable steps to correct the emergency and minimize emissions.

(2) If an emergency situation causes a deviation from a health-based limit, the source may not continue to operate the affected emissions facilities unless:

- (A) the source immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and

(B) continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in clause (B).  
(*Air Pollution Control Board; 326 IAC 2-8-12; filed May 25, 1994, 11:00 a.m.: 17 IR 2277; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2360*)

**326 IAC 2-8-13 Public notice**

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

Affected: IC 13-15-5-3; IC 13-17

Sec. 13. (a) Any person applying for a FESOP upon land which 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 FESOP application, make a reasonable effort to provide notice to all owners or occupants of land adjoining the land which is the subject of the application. Each applicant shall pay the cost of compliance with this requirement. The notice shall be in writing and include the date on which the application was submitted and a brief description of the subject of the application.

(b) Each applicant for a FESOP shall do the following:

(1) Place a copy of the permit application or permit modification application, and any information submitted to the department for public review at a library in the county where the source is 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 FESOP application and related information previously placed at the public library anytime not earlier than sixty (60) days after the final FESOP has become effective.

(c) Prior to issuing a FESOP, the draft permit shall be available for review in the following manner:

(1) The commissioner shall notify the public of the draft FESOP by publishing, in a minimum of one (1) newspaper of general circulation in the county where the source is located, a notice which includes the following:

(A) Notification of receipt of the permit application.

(B) The commissioner's draft approval of the permit application.

(C) Notification to the public of at least a thirty (30) day period for submitting written comments to the commissioner.

(D) Notification to the public of the opportunity for a public hearing for consideration of the permit application or notice of such a hearing if one has been scheduled.

(E) Notification to the public that a copy of the application and commissioner's analysis thereof are available for inspection in a convenient public office building in the area where the source is located.

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

(3) All comments received during the public comment period shall be considered by the commissioner before the commissioner finally approves or disapproves the permit.

(4) There shall be an opportunity for a public hearing if deemed necessary by the commissioner.

(5) Notification in writing of the final determination shall be given according to IC 13-15-5-3, and such notification shall be made available for public inspection in the same public office buildings to be notified under subdivision (1)(E).

(6) 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.

(7) The commissioner may impose such conditions on the permit as necessary to ensure that the source or facility will comply with all applicable rules; and that the ambient air quality standards established under 326 IAC 1-3, the prevention of significant deterioration standards established under 326 IAC 2-2, and the offset requirements established under 326 IAC 2-3, will be attained and maintained and that the public health will be protected.

(*Air Pollution Control Board; 326 IAC 2-8-13; filed May 25, 1994, 11:00 a.m.: 17 IR 2278; errata filed May 25, 1994, 11:10 a.m.:*

17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2361)

**326 IAC 2-8-14 Review by U.S. EPA**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 14. The commissioner shall provide to the U.S. EPA a copy of each draft and final FESOP. (*Air Pollution Control Board; 326 IAC 2-8-14; filed May 25, 1994, 11:00 a.m.: 17 IR 2278*)

**326 IAC 2-8-15 Operational flexibility**

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

Affected: IC 13-15; IC 13-17

Sec. 15. (a) An owner or operator of a FESOP source may make any change or changes at the source that are described in subsection (b), (c), or (d), without a prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provisions of Title I of the CAA.

(2) The changes do not result in emissions which exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

(3) The owner or operator of the FESOP source notifies the commissioner and U.S. EPA in advance of the change, with the information described in subsections (b) through (d), by written notification given at least ten (10) days in advance of the proposed change.

(4) The commissioner and the owner or operator of a FESOP source each shall attach every such notice to their copy of the relevant permit.

(5) The owner or operator of the source maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to subsections (b) through (d) and makes such records available, upon reasonable request, for public review. Such records shall consist of all information required to be submitted to the commissioner in the notices specified in subsections (b)(2), (c)(1), and (d).

(b) An owner or operator of a FESOP source may make changes under an emissions cap included in a FESOP permit without a permit revision, subject to the constraints in subsection (a) and the following conditions:

(1) The emissions cap has been established in accordance with this rule and 326 IAC 2-1.1-12.

(2) The notification to the commissioner under subsection (a) shall include the information under 326 IAC 2-1.1-12(f).

(c) An owner or operator of a FESOP source may trade increases and decreases in emissions in the FESOP source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of subsection (a) and the further conditions of this subsection. Such changes may be made without a permit revision regardless of whether the permit fails to provide expressly for such emissions trading under the following conditions:

(1) For each such change, the required written notification shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including, at a minimum, the following:

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan.

(E) The pollutants emitted subject to the emissions trade.

The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and that provide for the emissions trade.

(2) Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

(d) An owner or operator of a FESOP source may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of the FESOP for the source in accordance with section 4(7) of this rule, without a prior permit revision, subject to compliance with such permit terms and conditions. To procure alternative operating scenarios for its FESOP, the owner or operator of a FESOP source must request such alternative scenarios in its application for the



permit. The owner or operator of a FESOP source may request that a valid FESOP permit be revised to include an alternative operating scenario in accordance with the significant permit revision requirements under section 11.1(f) of this rule. Notwithstanding the provisions of subsection (a), no advanced notice to the department is required prior to making such a change. (*Air Pollution Control Board; 326 IAC 2-8-15; filed May 25, 1994, 11:00 a.m.: 17 IR 2278; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1058*)

**326 IAC 2-8-16 Fees**

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

Affected: IC 13-15; IC 13-17; IC 13-16-2-1

Sec. 16. (a) An application for an initial FESOP must be accompanied by a fee of three thousand dollars (\$3,000) unless a source is subject to an application fee established under section 18 of this rule. Any fee paid by the source in accordance with 326 IAC 2-1-7.1 [326 IAC 2-1-7.1 was repealed filed Nov 25, 1999, 12:13 p.m.: 22 IR 1072.] after January 1, 1994, and before the date an application is submitted or December 31, 1995, whichever is earlier, shall be credited toward the application fee. For sources that submit a FESOP application prior to December 31, 1995, the department shall not assess a fee under 326 IAC 2-1-7.1 [326 IAC 2-1-7.1 was repealed filed Nov 25, 1999, 12:13 p.m.: 22 IR 1072.] while the FESOP application is pending.

(b) A source that has been issued a FESOP under this rule shall pay an annual operating fee of one thousand five hundred dollars (\$1,500) upon billing by the department unless a source is subject to an annual operating fee established under section 18 of this rule. If an annual operating fee is being paid under a fee payment schedule established under IC 13-16-2-1, the fee shall be paid according to the established schedule. Establishment of a fee payment schedule must be consistent with the provisions of IC 13-16-2-1, including the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately. For sources that submit an application for a FESOP after December 31, 1995, a source that has been issued a FESOP shall not be assessed an annual operating fee in the billing cycle immediately following issuance of the FESOP, but shall be assessed the annual operating fee in subsequent billing cycles.

(c) The commissioner shall adjust the fees described in subsection (b) each year by the Consumer Price Index (CPI). The revision of the CPI which is most consistent with the CPI for the calendar year 1995 shall be used.

(d) A source that notifies the department during the calendar year 1994 or 1995 of its intent to file a FESOP application is not subject to the fee schedule contained in 326 IAC 2-7-19. The source must continue to pay fees under 326 IAC 2-1.1-7 until an application for a FESOP is made by the applicant or until a permit application is required to be submitted under 326 IAC 2-7. If a FESOP is not approved by the commissioner prior to the requirement that a Part 70 operating permit application be submitted, the source may be billed for the applicable fee under 326 IAC 2-7-19 for the calendar years 1994 and 1995 and subsequent years until a FESOP is issued. A source that applies for a FESOP at least nine (9) months in advance of the requirement to apply for a Part 70 permit is not subject to the 326 IAC 2-7-19 fee schedule until the commissioner makes a final determination on the FESOP application or a final Part 70 permit is issued for the source.

(e) Beginning in 1996, the commissioner shall review the monies in the Title V operating permit trust fund prior to billing Part 70 sources and FESOP sources. If the balance of the fund, once obligated expenditures are subtracted from the balance, exceeds three million dollars (\$3,000,000) as of July 1 of the billing year, the department shall adjust the annual fee schedule for Part 70 and FESOP sources to bill an aggregate less than the total fee schedule amount equivalent to the amount in excess of three million dollars (\$3,000,000). Adjustments to individual bills shall be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(f) A fee established under this section may be billed in whole or in part by a local air pollution control agency under terms of an enforceable written agreement or contract between the local air agency and the commissioner. Any FESOP fee paid to a local air agency shall be considered as revenue to the Title V operating permit trust fund and after the effective date of approval by the U.S. EPA of the Part 70 permit program may only be expended for purposes consistent with IC 13-17-8-2 through IC 13-17-8-9. A local air agency billing to a FESOP source shall specify the amount being assessed under this section and shall distinguish any other amount billed as not pursuant to the purposes of IC 13-17-8-2 through IC 13-17-8-9 under an enforceable agreement with the commissioner. The commissioner or local air agency may direct the source to make payment of fees established under this rule in part to both the department and local air agency such that the total FESOP fee does not exceed the amount in this rule. During 1994, the department may defer to billing of a local air agency if the total billings for all FESOP sources exceed the total amount due under this rule if specified in an enforceable agreement between the local air agency and the department. The department may assess a fee not to exceed twenty-five percent (25%) of the local fee in order to recover costs associated with development and preparation of a complete statewide Title V operating permit program for activities that will not be duplicated by the local air agency if it is

determined that the local air agency fees collected from Part 70 and FESOP permittees do not provide adequate revenues for the local agency to develop and prepare for the Title V operating permit program at a pace comparable to state development and preparation. (*Air Pollution Control Board; 326 IAC 2-8-16; filed May 25, 1994, 11:00 a.m.: 17 IR 2279; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2362; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059*)

**326 IAC 2-8-17 Local agencies**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-7

Sec. 17. Pursuant to the CAA, and if specified in a written agreement with the commissioner, a local air pollution control agency may perform some or all of the functions of the FESOP program. The commissioner and such a local air agency shall enter into an enforceable written agreement documenting the local air agency's and the department's relative FESOP program roles and responsibilities. (*Air Pollution Control Board; 326 IAC 2-8-17; filed May 25, 1994, 11:00 a.m.: 17 IR 2280*)

**326 IAC 2-8-18 FESOP general permits**

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

Affected: IC 13-15; IC 13-17

Sec. 18. (a) A FESOP general permit may be issued subject to the following conditions:

(1) A FESOP general permit shall comply with all requirements applicable to FESOPs under this rule and shall identify criteria by which sources may qualify for the FESOP general permit.

(2) A FESOP general permit shall include operating conditions that shall apply to any source operating under the FESOP general permit.

(3) The commissioner may, after complying with the notice and opportunity for public participation provided under section 13 of this rule, issue a FESOP general permit covering numerous similar sources. In providing an opportunity for public comment, the commissioner shall publish notice as follows:

(A) In newspapers of general circulation in those areas of the state in which sources that would qualify for coverage under the permit are believed to be located.

(B) In the Indiana Register.

(b) For individual sources and source modifications that wish to obtain FESOP general permit coverage, an applicant shall do the following:

(1) Apply to the department for coverage by the FESOP general permit under the terms of the FESOP general permit or apply for a FESOP consistent with section 3 of this rule. The department may provide, in the FESOP general permit, for applications that deviate from the requirements of section 3 of this rule, provided that such applications include all information necessary to determine qualification for, and assure compliance with, the FESOP general permit.

(2) Request authorization to operate under a FESOP general permit and meet the conditions and terms of the FESOP general permit. The notice provisions of section 13 of this rule are not applicable to a grant by the commissioner of a source's request for authorization to operate under a FESOP general permit.

(3) Submit a five hundred dollar (\$500) application fee. A source operating under a FESOP general permit issued under this section shall pay an annual operating fee of one thousand dollars (\$1,000). If an annual fee is being paid under a payment schedule established under IC 13-22-12-14 [*IC 13-22-12-14 was repealed by P.L.2-1997, SECTION 89, effective April 28, 1997.*], the fee shall be paid according to that schedule. Establishment of a fee payment schedule must be consistent with the provisions of IC 13-22-12-14 [*IC 13-22-12-14 was repealed by P.L.2-1997, SECTION 89, effective April 28, 1997.*], including the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately.

(c) A source that requests and is granted authority to operate under a FESOP general permit shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the FESOP general permit.

(d) General permits may be issued for modifications of existing sources. (*Air Pollution Control Board; 326 IAC 2-8-18; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2363*)

**326 IAC 2-8-19 Transition from a federally enforceable state operating permit (FESOP) to a Part 70 permit**

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

Sec. 19. (a) A source operating under a FESOP that wishes to operate under a Part 70 permit may apply for a Part 70 permit and revocation of its FESOP under this section. A source shall operate under the terms of its FESOP until the final Part 70 permit is issued by the department.

(b) The application for a Part 70 permit under this section shall include the following:

- (1) A statement verifying that the information in the existing FESOP application is valid.
- (2) A description of the changes made or proposed to be made to the source that will require the issuance of a Part 70 permit.
- (3) Identification of applicable requirements, including any additional applicable requirements resulting from the change requiring the revocation of the FESOP and issuance of a Part 70 permit.
- (4) A description of the compliance status of the source, including a compliance schedule for an identified noncompliance.
- (5) A compliance plan describing how the source will continue compliance with applicable requirements and will comply with any new applicable requirements.
- (6) A compliance certification.
- (7) Certification by a responsible official consistent with 326 IAC 2-7-4(f) for all the submitted information.

(c) Upon receipt of an application for a Part 70 permit under this section, the department shall take the following actions:

- (1) Not later than five (5) days after the receipt of the application, send a notice of the application to the U.S. EPA and any affected state.
- (2) Provide for public comment in accordance with 326 IAC 2-7-17.
- (d) The department may not issue the Part 70 permit until after the U.S. EPA's forty-five (45) day review period or until U.S. EPA has notified the department that U.S. EPA will not object to issuance of the Part 70 permit, whichever is first. Not later than one hundred twenty (120) days after the department's receipt of an application for revocation of a FESOP and issuance of a Part 70 permit or fifteen (15) days after the end of the U.S. EPA forty-five (45) day review period, whichever is later, the department shall do any of the following:

- (1) Issue the Part 70 permit as proposed.
- (2) Deny the request.
- (3) Determine that more information is necessary and request such information.

(e) Payment of an annual operating fee under 326 IAC 2-7-19 or refund of the annual operating fee paid under section 16 of this rule shall be prorated. (*Air Pollution Control Board; 326 IAC 2-8-19; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2363*)

**326 IAC 2-8-20 Transition from a federally enforceable state operating permit (FESOP) to a source specific operating agreement (SSOA)**

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

Sec. 20. (a) A source operating under a FESOP may accept limits, limitations, or conditions to meet the requirements for issuance of SSOA, as defined in 326 IAC 2-9.

(b) A source that meets the conditions of an SSOA may request coverage under a specific provision of 326 IAC 2-9 and revocation of its existing FESOP.

(c) The request for a SSOA shall include the following:

- (1) All forms necessary for a complete SSOA application.
- (2) The appropriate application fee under 326 IAC 2-9.

(d) Upon receipt of the request for a SSOA, the department shall take the following actions:

- (1) Within five (5) days of receipt of the request, send a notice of the request to the U.S. EPA and any affected state.
- (2) Within sixty (60) days of receiving an application, do any of the following:
  - (A) Determine that additional information is needed and request such information.
  - (B) Issue a SSOA and revoke the existing FESOP upon issuing the SSOA.
  - (C) Deny the request.

(e) Refund of the annual operating fee paid under section 16 of this rule shall be prorated. (*Air Pollution Control Board; 326*

*IAC 2-8-20; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2364)*

**Rule 9. Source Specific Operating Agreement Program**

**326 IAC 2-9-1 General provisions**

Authority: IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-11-2; IC 13-14-8

Sec. 1. (a) The definitions provided in IC 13-11-2, 326 IAC 1-2, 326 IAC 2-7, and 326 IAC 2-8 apply throughout this rule.

(b) A source may limit its potential to emit by complying with the specific restrictions and conditions listed in this rule. A source electing to comply with this rule shall apply to the commissioner for a source specific operating agreement. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-6.1 unless otherwise required by state, federal, or local law. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the source specific operating agreement limits the source's potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7. Until the commissioner has issued an operating agreement for a source that would otherwise be subject to 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the source is subject to all applicable requirements of those rules. 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, or 326 IAC 2-8.

(c) The owner or operator of a source seeking an operating agreement shall submit a request to the commissioner. The request shall include all information necessary for the commissioner to verify that the source meets the applicable restrictions and conditions specified in this rule, including the following:

- (1) Identifying information.
- (2) Description of the nature, location, design capacity, and typical operating schedule of the source.
- (3) Description of the nature and amount of regulated pollutants emitted in the prior twelve (12) months.
- (4) Description of how the source will comply with the applicable restrictions and conditions specified in this rule.
- (5) Certification by a responsible official that the source shall comply with all applicable conditions of this rule.

The request shall be signed by a responsible official who shall certify that the information contained therein is accurate, true, and complete. Any applicable fees specified in this rule shall be submitted with the request.

(d) If the commissioner determines that the source meets the applicable restrictions and conditions specified in any applicable section of this rule, the commissioner shall issue the operating agreement. The operating agreement shall specify the source specific restrictions and conditions applicable to the source and shall also establish specific monitoring and reporting requirements. Any source for which the commissioner has issued a source specific operating agreement shall provide annual notice to the commissioner stating that the source is in operation and certifying that its operations are in compliance with applicable sections as specified in the operating agreement. This notice shall be submitted no later than January 30 of each year.

(e) Before a source subject to this section modifies its operations in such a way that it will no longer comply with the applicable restrictions and conditions of its source specific operating agreement, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8.

(f) Any records required to be kept by a source in accordance with any section of this rule shall be maintained at the site for at least five (5) years and shall be made available for inspection by the department upon request.

(g) A source may apply for up to four (4) different types of source specific operating agreements contained in this rule provided allowable emissions or potential to emit for any regulated air pollutant, as limited under the source specific operating agreements, do not exceed major source levels when aggregated. A source may combine up to four (4) applications. The one-time application fee for a combined application submittal shall be five hundred dollars (\$500).

(h) Any source subject to this rule shall report to the department, in writing, any exceedance of a requirement contained in this rule or its operating agreement within one (1) week of its occurrence. The exceedance report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.

(i) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided.

(j) Noncompliance with any applicable provision of this rule or any requirement contained in a source's operating agreement may result in the revocation of the operating agreement and make a source subject to the applicable requirements of a major source.

(Air Pollution Control Board; 326 IAC 2-9-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2280; filed Apr 1, 1996, 9:00 a.m.: 19 IR 1757; filed May 7, 1997, 4:00 p.m.: 20 IR 2303; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108)

**326 IAC 2-9-2 Source specific restrictions and conditions (Repealed)**

Sec. 2. (Repealed by Air Pollution Control Board; filed May 7, 1997, 4:00 p.m.: 20 IR 2317)

**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 (VOC) or hazardous air pollutants (HAP), 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 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, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(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) Number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) Material safety data sheets (MSDS) for each solvent containing material used.

(D) Monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(5) 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.

(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)*

**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, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(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) Number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) Material safety data sheets (MSDS) for all VOC and HAP containing material used.

(D) Monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(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) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC totals 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)*

**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) Unless the operations meet the conditions of subsection (c), (d), (e), or (f), woodworking operations shall meet the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) The source shall not emit particulate matter with a diameter less than ten (10) microns ( $PM_{10}$ ) 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.

(c) Unless the operations meet the conditions of subsection (b), (d), (e), or (f), woodworking operations 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 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.
- (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) 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 to the atmosphere.
  - (B) Quarterly inspection reports when vented to the atmosphere.
  - (C) Visible observation reports.
  - (D) Records of corrective actions.

(d) Unless the operations meet the conditions of subsection (b), (c), (e), or (f), woodworking operations 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 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.
- (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) 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 to the atmosphere.
  - (B) Quarterly inspection reports when vented to the atmosphere.
  - (C) Visible observation reports.
  - (D) Records of corrective actions.

(e) Unless the operations meet the conditions of subsection (b), (c), (d), or (f), woodworking operations 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, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (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 particulate matter with a diameter less than ten (10) microns (PM<sub>10</sub>) greater than 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) 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 to the atmosphere.
- (B) Quarterly inspection reports when vented to the atmosphere.
- (C) Visible observation reports.
- (D) Records of corrective actions.

(f) Unless the operations meet the conditions of subsection (b), (c), (d), or (e), woodworking operations 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, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(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 particulate matter with a diameter less than ten (10) microns (PM<sub>10</sub>) greater than 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) 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 to the atmosphere.
- (B) Quarterly inspection reports when vented to the atmosphere.
- (C) Visible observation reports.
- (D) Records of corrective actions.

(g) The requirement to submit the five hundred dollar (\$500) application fee shall not apply to a source that has been issued an operating agreement under this section.

\*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*)

### **326 IAC 2-9-5 Abrasive cleaning 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. 5. Any industrial or commercial source of abrasive cleaning operations 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, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) All abrasive cleaning operations shall be totally enclosed.

(3) Emissions of particulate matter shall not exceed one-hundredth (0.01) grain per actual cubic foot per minute.

(4) Air flow shall not exceed forty thousand (40,000) 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.



*(Air Pollution Control Board; 326 IAC 2-9-5; filed May 7, 1997, 4:00 p.m.: 20 IR 2306)*

**326 IAC 2-9-6 Grain elevators**

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. 6. Any grain elevator subject to 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8 may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) Grain elevators with storage capacity less than or equal to one million (1,000,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following:

(A) Grain elevators shall not receive or ship more than three million (3,000,000) U.S. bushels of grain annually.

(B) Each source shall maintain records of the type and amount of grain received and shipped on an annual basis.

(3) Grain elevators with storage capacity greater than one million (1,000,000) U.S. bushels of grain but no more than two million five hundred thousand (2,500,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following provisions:

(A) Grain elevators shall not receive or ship more than ten million (10,000,000) U.S. bushels of grain annually.

(B) Each source shall limit particulate matter emissions through the application of mineral oil or soybean oil to all grain after it is received at an application rate of three-hundredths percent (0.03%) by weight or greater.

(C) Each source shall maintain the following records on a monthly basis:

(i) Type and amount of grain received and shipped.

(ii) Amount of mineral oil or soybean oil used and the rate of application.

(iii) Purchase orders and invoices for mineral oil or soybean oil.

*(Air Pollution Control Board; 326 IAC 2-9-6; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1062)*

**326 IAC 2-9-7 Sand and gravel plants**

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. 7. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.

(2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.

(3) "Surfactant" means any chemical additive that reduces the surface tension of water.

(4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.

(2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit

the annual throughput to less than one million (1,000,000) tons per year.

(3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.

(4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) A wet process or continuous wet suppressions shall be used.

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to 326 IAC 6-4.

(H) The source shall comply with 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR 60.670)\*, if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307*)

**326 IAC 2-9-8 Crushed stone processing plants**

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) The following definitions apply throughout this section:

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- (1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.
- (2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.
- (3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:
  - (A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or
  - (B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

- (4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

- (1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.

- (2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

- (3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:

- (A) The annual throughput shall not exceed three million (3,000,000) tons per year.

- (B) Each source under this subdivision shall pay an annual fee of eight hundred dollars (\$800).

- (4) Crushed stone processing plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

- (A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

- (B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

- (C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).

- (D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

- (E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.

- (F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:

- (i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

- (ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(H) The source shall comply with 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR 60.670), if applicable\*.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308*)

### **326 IAC 2-9-9 Ready-mix concrete batch plants**

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. (a) The following definitions apply throughout this section:

(1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.

(2) "Aggregate transfer" means the transfer of material:

(A) from process equipment onto the ground;

(B) from the ground into hauling equipment;

(C) from hauling equipment onto a storage pile;

(D) from a storage pile into hauling equipment for transport; or

(E) into an initial hopper for further process.

(3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.

(4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.

(5) "Ready-mix concrete batch plant" means a facility that prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year, including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.

(2) Each source shall maintain records of annual production at the site on a calendar year basis.

(3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%).

Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first shall be taken at the time of emission generation.
- (ii) The second shall be taken five (5) seconds after the first.
- (iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.

- (5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.
- (6) Cement transferring operations shall always be enclosed.
- (7) Each 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.
- (8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.
- (9) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309*)

### **326 IAC 2-9-10 Coal mines and coal preparation plants**

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. 10. (a) The following definitions apply throughout this section:

- (1) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-88\*.
- (2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.
- (3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:
  - (A) Breaking.
  - (B) Crushing.
  - (C) Screening.
  - (D) Wet or dry cleaning.
  - (E) Thermal drying.
- (4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:
  - (A) Breakers.
  - (B) Crushers.
  - (C) Screens.
  - (D) Conveyor belts.
- (5) "Collocated source" means any coal preparation facility and coal mine that are:

- (A) located on one (1) piece of property or on contiguous or adjacent properties; and
  - (B) which are owned or operated by the same person (or by persons under common control).
- (6) "Material transfer" means the transfer of material:
- (A) from process equipment onto the ground;
  - (B) from the ground into hauling equipment;
  - (C) from hauling equipment onto a storage pile;
  - (D) from a storage pile into hauling equipment for transport; or
  - (E) into an initial hopper for further processing.
- (7) "Refuse" means the portion of mined coal which is rejected by the preparation plant as unsalable.
- (8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.
- (b) Any coal preparation plant, coal mine, or collocated source may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:
- (1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns ( $PM_{10}$ ) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:
- (A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.
  - (B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9\*\*.
- (2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:
- (A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.
  - (B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
    - (i) The first will be taken at the time of emission generation.
    - (ii) The second will be taken five (5) seconds after the first.
    - (iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.
  - (C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.
- (3) All visible emission readings shall be performed by a qualified observer as defined in 326 IAC 1-2-62.
- (4) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.
- (5) The annual notice required by section 1(d) of this rule shall also include the legal description of the source's location.

(6) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars (\$500) and an annual fee of six hundred dollars (\$600).

\*Copies of ASTM methods have been incorporated by reference and are available at the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

\*\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-10; filed May 7, 1997, 4:00 p.m.: 20 IR 2310*)

### **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" is defined at 326 IAC 8-10-2(5).

(2) "Solvent containing material" means any product used in automobile refinishing operations that contains volatile organic compounds (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

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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 of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).

(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) Number of gallons of each solvent containing material used.

(C) VOC content (pounds/gallon) of each solvent containing material used.

(D) Amount of waste VOC manifested off-site.

(E) 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)*

**326 IAC 2-9-12 Degreasing 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. 12. (a) An owner or operator of a degreasing operation may elect to comply with 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 of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).

(2) The requirements of 326 IAC 8-3 and 326 IAC 20-6, if applicable.

(3) The total amount of VOC and HAP delivered to degreasing operations at the source, less the amount of VOC and HAP that is quantified by manifest as having been shipped off-site, on an annual rolling average basis as follows:

(A) The total amount of any single HAP from degreasing operations shall not exceed eight hundred thirty-three (833) pounds per month.

(B) The total amount of any combination of HAP from degreasing operations shall not exceed one (1) ton per month.

(C) The total amount of VOC from degreasing operations at sources located in Lake and Porter Counties shall not exceed one (1) ton per month.

(D) The total amount of VOC from degreasing operations at sources located outside of Lake and Porter Counties shall not exceed two (2) tons per month.

(b) An owner or operator of a degreasing operation that has been issued an operating agreement under this section shall keep the following records at the source:

(1) Purchase records for all degreasing solvents.

(2) Material safety data sheets (MSDS) for all degreasing solvents.

(3) Amount of waste degreasing solvent manifested off-site.

(4) Monthly summation of VOC and HAP emissions for all degreasing solvents.

*(Air Pollution Control Board; 326 IAC 2-9-12; filed May 7, 1997, 4:00 p.m.: 20 IR 2313)*

**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



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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 subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.
  - (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 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 comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-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) 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

<u>Fuel</u>	<u>Maximum Fuel Usage per year</u>
<u>Single Fuel</u>	
Natural gas Maximum capacity: 0.3 to <10 MMBtu/hr	1,000.0 MMCF
Natural gas Maximum capacity: 10 to 100 MMBtu/hr	714.0 MMCF
Natural gas Maximum capacity: >100 MMBtu/hr	181.0 MMCF
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

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Wood and bark	7,352.0 tons
<u>Dual Fuel<sup>1</sup></u>	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
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 kgal
Fuel oil #5 and #6 (residual)	15.0 kgal
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

(<sup>1</sup>Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)

Unit abbreviations:  
 kgal = 10<sup>3</sup> gallons  
 MMCF = 10<sup>6</sup> cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

<u>Fuel</u>	<u>Maximum Fuel Usage per year</u>
<u>Single Fuel</u>	
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

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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
<u>Dual Fuel</u> <sup>1</sup>	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
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 kgal
Fuel oil #5 and #6 (residual)	24.0 kgal
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

(<sup>1</sup>Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)

Unit abbreviations:

kgal = 10<sup>3</sup> gallons

MMCF = 10<sup>6</sup> cubic feet

\*\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313*)

**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

Affected: IC 13-15; IC 13-17

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 subsection (e), Table 1 for a single fuel or a combination of two (2) fuels.

(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 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 comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-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) 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:

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TABLE 1

<u>Fuel</u>	<u>Maximum Fuel Usage per Year</u>
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 <sup>3</sup> gallons	
MMCF = 10 <sup>6</sup> cubic feet	

(f) Table 2 limits shall be as follows:

TABLE 2

<u>Fuel</u>	<u>Maximum Fuel Usage per Year</u>
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 <sup>3</sup> gallons	
MMCF = 10 <sup>6</sup> cubic feet	

*(Air Pollution Control Board; 326 IAC 2-9-14; filed May 7, 1997, 4:00 p.m.: 20 IR 2315)*

**Rule 10. Permit by Rule**

**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 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 otherwise required by federal law.

(b) A 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)*

**326 IAC 2-10-2 Definitions**

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. 2. The definitions provided in IC 13-1-1-2, IC 13-7-1 [*IC 13-1-1-2 and IC 13-7-1 were repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996.*], 326 IAC 1-2, and 326 IAC 2-7 shall apply to this rule. *(Air Pollution Control Board; 326 IAC 2-10-2; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10)*

**326 IAC 2-10-3 Conditions**

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. The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for the following:

(A) A major source of regulated air pollutants.

(B) A major source of hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

*(Air Pollution Control Board; 326 IAC 2-10-3; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10)*

**326 IAC 2-10-4 Demonstration of compliance**

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. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in section 3 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage, or production records. No other demonstration of compliance shall be required. *(Air Pollution Control Board; 326 IAC 2-10-4; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10)*

**326 IAC 2-10-5 Compliance with other provisions**

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. 5. (a) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided in section 1 of this rule.

(b) A source subject to this rule shall 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 section 3 of this rule; or
- (2) the source does not timely or adequately demonstrate compliance with the conditions in section 3 of this rule as required under section 4 of this rule.

*(Air Pollution Control Board; 326 IAC 2-10-5; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10)*

**326 IAC 2-10-6 Enforcement**

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. 6. Any violation of this rule may result in administrative or judicial enforcement proceedings under IC 13-7-11 [*IC 13-7-11 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.*] and penalties under IC 13-7-13 [*IC 13-7-13 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.*]. (*Air Pollution Control Board; 326 IAC 2-10-6; filed Sep 5, 1996, 11:00 a.m.: 20 IR 11*)

**Rule 11. Permit by Rule for Specific Source Categories**

**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.

(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 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)*

**326 IAC 2-11-2 Gasoline dispensing operations**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) This section applies to retail or commercial gasoline dispensing operations that meet each of the following conditions:

- (1) Meet the conditions specified in subsection (b).
- (2) Demonstrate compliance as specified in subsection (c).

(b) To limit potential to emit as provided in section 1(c) of this rule, the following conditions are applicable to sources depending on their location:

- (1) For sources located in Clark or Floyd County, the source:
  - (A) fills its storage tanks by vapor-balanced fill;
  - (B) has a Stage II vapor recovery system; and
  - (C) dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.
- (2) For sources located in Lake or Porter County, the source:
  - (A) fills its storage tanks by vapor-balanced fill;
  - (B) has a Stage II vapor recovery system; and
  - (C) dispenses less than one million three hundred forty-four thousand (1,344,000) gallons of gasoline during an average month based on the last twelve (12) months.
- (3) For all other sources, the source:
  - (A) uses the splash method for filling storage tanks and dispenses less than six hundred eighty-eight thousand (688,000) gallons of gasoline during an average month based on the last twelve (12) months;
  - (B) uses the submerged fill method for filling storage tanks and dispenses less than eight hundred thirty-three thousand (833,000) gallons of gasoline during an average month based on the last twelve (12) months;
  - (C) uses the vapor-balanced fill method for filling storage tanks and dispenses less than one million two hundred eighty-two thousand (1,282,000) gallons of gasoline during an average month based on the last twelve (12) months; or
  - (D) uses the fill vapor-balanced fill method for filling storage tanks, has a Stage II vapor recovery system, and dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.

(c) Sources electing to comply with this rule must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, as follows:

- (1) The owner or operator of a gasoline dispensing source shall demonstrate compliance with subsection (b)(3)(A), (b)(3)(B), or (b)(3)(C), as applicable.
- (2) The owner or operator of a gasoline dispensing source subject to subsection (b)(3)(D) shall demonstrate compliance with subsection (b)(3)(D) and 326 IAC 8-4-6 subsections (a) through (d), (f), and (j) through (m) [326 IAC 8-4-6(a) through 326 IAC 8-4-6(d), 326 IAC 8-4-6(f), and 326 IAC 8-4-6(j) through 326 IAC 8-4-6(m)].
- (3) The owner or operator of a gasoline dispensing source subject to subsection (b)(1) or (b)(2) shall demonstrate compliance with subsection (b)(1) or (b)(2), as applicable, and 326 IAC 8-4-6.

*(Air Pollution Control Board; 326 IAC 2-11-2; filed May 7, 1997, 4:00 p.m.: 20 IR 2316)*

### **326 IAC 2-11-3 Grain elevators**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) This section applies to a grain elevator that receives and ships grain as follows:

- (1) Grain receiving by truck or rail and grain shipping by truck or rail.
- (2) Grain receiving by truck or rail and grain shipping by barge.
- (3) Grain receiving by truck or rail and grain shipping by ship.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, annual total throughput limits shall be equal to or less than the following:

- (1) For truck or rail grain receiving and truck or rail grain shipping, eleven million two hundred thousand (11,200,000) bushels.
- (2) For truck or rail grain receiving and barge grain shipping, eight million (8,000,000) bushels.
- (3) For truck or rail grain receiving and ship grain shipping, five million six hundred eighty thousand (5,680,000) bushels.

*(Air Pollution Control Board; 326 IAC 2-11-3; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2107)*



**326 IAC 2-11-4 Grain processing or milling**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) This section applies to sources that process or mill grain, including the following:

- (1) Flour mills.
- (2) Dry corn mills.
- (3) Animal feed mills.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, the annual total throughput limits shall be equal to or less than the following:

- (1) For flour mills, one hundred fifty-four thousand five hundred twenty-six (154,526) bushels.
- (2) For dry corn mills, one million sixty-three thousand two hundred fifty (1,063,250) bushels.
- (3) For animal feed mills, eleven million two hundred thousand (11,200,000) bushels.

*(Air Pollution Control Board; 326 IAC 2-11-4; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2108)*

**Rule 12. General Permits**

**326 IAC 2-12-1 General permit issuance**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-21.5; IC 13-15; IC 13-17

Sec. 1. (a) This rule does not apply to permits issued under 326 IAC 2-7 or 326 IAC 2-8. The commissioner may establish a general permit for a class of emission units, processes, operations, or sources in accordance with the following conditions:

(1) A general permit shall comply with all requirements applicable to operating permits under this article and shall identify criteria by which a source may qualify for the general permit.

(2) A general permit shall include the following:

(A) Operating conditions with which any source operating under the general permit will comply.

(B) Identification of all applicable requirements.

(C) Terms and conditions, including monitoring, testing, reporting, record keeping requirements, and other actions to demonstrate compliance with all applicable requirements under this title and the CAA.

(3) A general permit may include terms and conditions that limit source emissions below the applicability thresholds for applicable requirements under this title.

(4) A general permit shall not be issued for a new source or modification subject to the requirements of 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.

(5) The commissioner shall comply with the following provisions for notice and opportunity for public participation:

(A) Prior to establishing a general permit, the commissioner shall provide an opportunity for public comment by publishing a legal notice that includes the following:

(i) Description of the types of sources, processes, emission units, and pollutants to be covered by the general permit.

(ii) Notification to the public of the following:

(AA) A thirty (30) day period for submitting written comments to the commissioner.

(BB) The opportunity for a public hearing for consideration of the general permit or notice of such hearing if one has been scheduled.

(CC) A copy of the general permit and any technical support documents are available upon request.

(B) The legal notice shall be published as follows:

(i) In newspapers of general circulation in a minimum of twelve (12) locations throughout the state.

(ii) In the Indiana Register.

(b) The commissioner may issue a general permit to an emission unit, process, operation, or source within the class of emission units, processes, operations, or sources for which a general permit was established. An applicant for a general permit shall do the following:

(1) Apply to the commissioner for coverage by the general permit under terms of the general permit or submit an application

for a general permit under this section. The application for a general permit shall include all information necessary to determine qualification for, and assure compliance with, the general permit.

(2) Request authorization to operate under a general permit and meet the conditions and terms of the general permit. The commissioner may grant authorization to operate subject to the terms and conditions of the general permit.

(3) The notice provisions of 326 IAC 2-1.1-6 are not applicable to a decision by the commissioner on a source's request for authorization to operate under a general permit. This subdivision is not intended to affect applicability of IC 4-21.5.

(4) Submit an application fee of five hundred dollars (\$500) with the application.

(5) Pay an annual operating fee in accordance with 326 IAC 2-1.1-7. Fees shall be paid by mail or in person and shall be paid upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management" no later than thirty (30) calendar days after receipt of billing. Nonpayment shall result in revocation of the permit.

(c) The commissioner shall not issue more than two (2) general permits to any one (1) source in any twelve (12) month period. (*Air Pollution Control Board; 326 IAC 2-12-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063*)

### **Rule 13. Interim Approvals**

#### **326 IAC 2-13-1 Interim operating permit revision approvals**

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. 1. (a) This section applies to any person who operates an existing source under valid operating permits issued by the commissioner and who proposes to modify a source or construct a new emission unit at the existing source and such modification or construction requires an operating permit revision or other approval by the commissioner in accordance with this article, excluding the following:

(1) Construction of a major PSD source or major PSD modification as defined in 326 IAC 2-2.

(2) A modification in a nonattainment area that has the potential to emit a pollutant for which the nonattainment designation is based in an amount exceeding the levels of emissions that require a permit revision for that pollutant.

(3) Any modification that is subject to 326 IAC 2-4.1.

(b) At the time a permit revision application is submitted, or at any time thereafter, any person meeting the requirements of subsection (a) may separately petition the commissioner for an interim approval that would allow construction of the proposed modification to commence while the permit revision application is being reviewed.

(c) To petition for an interim approval, the applicant shall submit the following:

(1) A five hundred dollar (\$500) nonrefundable fee by check or money order payable to "Cashier, Indiana Department of Environmental Management". This fee is in addition to all other fees required by 326 IAC 2-1.1-7.

(2) A written petition containing the following:

(A) Identification of the type of operating permit revision that would be required pursuant to this article.

(B) All necessary conditions, limits, or restrictions that will be in effect to ensure the construction does not qualify as a major PSD source or major PSD modification or a major new source or reconstructed source of hazardous air pollutants. Limits must be stated as conditions that can be enforced independently of one another, and the time period over which the limits extend should be as short as possible and should generally not exceed one (1) month. In special situations, an annual limit may be acceptable, if approved by the commissioner. Limits on the following shall be considered acceptable:

(i) Raw material consumed.

(ii) Fuel combusted.

(iii) Hours of operation.

(iv) Conditions that specify that the source must install and maintain controls that reduce emissions to a specified emission rate or to a specified efficiency level.

(C) All conditions necessary to meet the requirements of any new source performance standards, national emission standards for hazardous air pollutants, and any state rules that would apply.

(D) A statement that the applicant consents to federal enforceability of an interim approval.

(E) The applicant's or its authorized agent's signature.

(F) A notarized affidavit that the applicant will proceed with any project approved under this section at its own risk to

include, but not be limited to, the following:

- (i) Financial risk.
- (ii) The risk that the commissioner will require additional or different control technologies in order for a final approval to be issued under applicable law.
- (iii) The risk that the commissioner might deny issuance of the final approval.

(d) The commissioner shall approve or deny the petition for an interim approval for a modification that meets the criteria for a minor permit revision, as described under 326 IAC 2-6.1-6(g) or 326 IAC 2-8-11.1(d) or a modification approval described under 326 IAC 2-7-10.5(d), in writing within nineteen (19) days of receipt of the petition. Notwithstanding IC 13-15-5, the commissioner's decision shall be effective immediately.

(e) Upon submission of an application, the applicant proposing a modification that requires a significant permit revision, as described under 326 IAC 2-6.1-6(i) or 326 IAC 2-8-11.1(f) or a modification approval described under 326 IAC 2-7-10.5(f), shall notify the public of such petition by publishing a notice in a minimum of one (1) newspaper of general circulation in the county where the project will occur. The notice shall include the following:

- (1) Notification of submittal to the commissioner of a petition for an interim approval.
- (2) Notification that the public comment period consists of fourteen (14) calendar days from the date of publication of the public notice to submit written comments to the commissioner. No public hearing is available under this section; the opportunity for a public hearing exists during issuance of the final permit revision under 326 IAC 2-6.1-6, 326 IAC 2-7-10.5, 326 IAC 2-7-12, or 326 IAC 2-8-11.1.
- (3) Notification that the applicant has submitted an application for a permit revision for the project, and the commissioner shall review the application in accordance with 326 IAC 2-6.1-6, 326 IAC 2-7-10.5, 326 IAC 2-7-12, or 326 IAC 2-8-11.1.
- (4) Notification that operation of the source cannot commence until the existing operating permit is revised.
- (5) Notification that if the interim petition is approved, modification is entirely at the applicant's own risk.
- (6) Notification that a copy of the petition and any accompanying materials are available for inspection in a convenient public office such as the public library or local agency in the area to be affected by the proposed construction (to be identified in the notice by the applicant).

(f) The applicant shall notify the commissioner of the date the public notice was published and submit a copy of the proof of publication from the newspaper to the office of air management prior to the end of the fourteen (14) day public comment period.

(g) The applicant shall keep a proof of publication from the newspaper concerning the public notice for as long as the interim permit is effective.

(h) The commissioner may deny the petition for an interim approval if the commissioner determines any of the following:

- (1) The source does not intend to modify the source in accordance with its petition.
- (2) Construction of a major PSD source or major PSD modification may occur.
- (3) The applicability requirements of subsection (a) are not met.
- (4) The information contained in the petition is insufficient for the commissioner to determine whether there will be construction of a major PSD source or a major PSD modification.
- (5) The petition proposes construction of an emissions unit that, as proposed, will not comply with applicable rules.
- (6) The applicant began construction on the modification prior to receiving an interim approval.
- (7) The applicant falsified any information contained in its petition or application.

(i) The commissioner shall take final action on a petition for interim approval meeting the criteria for a significant permit revision, as described under 326 IAC 2-6.1-6(i) or 326 IAC 2-8-11.1(f) or a modification approval described under 326 IAC 2-7-10.5(f), by the later of the following dates:

- (1) Seventeen (17) days after publication of the public notice if no comments are submitted within the public comment period.
- (2) Thirty-one (31) days after publication of the public notice if comments are submitted within the public comment period.
- (3) Nineteen (19) days after receipt of the petition for interim approval.

The commissioner shall not approve a petition for interim approval prior to the dates established in subdivisions (1) and (2), as applicable. The commissioner may deny a petition for interim approval at any time within the time periods established by this subsection. Notwithstanding IC 13-15-5, the commissioner's decision shall be effective immediately.

(j) The following provisions apply to all interim approvals:

- (1) An interim approval expires on the effective date of the final permit revision approval or denial.
- (2) An interim approval shall contain all conditions, restrictions, or limits that guarantee construction of a major PSD source or major PSD modification or a major new source or reconstructed source of hazardous air pollutants does not occur.

(3) All interim approvals are federally enforceable.

(4) An interim approval may be revoked after its effective date upon a written finding by the commissioner that any of the reasons for denial in subsection (h) exists or if the modification is denied.

*(Air Pollution Control Board; 326 IAC 2-13-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1064)*

#### **Rule 14. Portable Sources**

##### **326 IAC 2-14-1 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. A portable source meeting the criteria for an exemption under 326 IAC 2-1.1-3 shall not be subject to the requirements of this rule. *(Air Pollution Control Board; 326 IAC 2-14-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

##### **326 IAC 2-14-2 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) This rule applies to any person who proposes any of the following:

(1) Construction of a new stationary source consisting of a portable source, operation, process, or emissions unit.

(2) Modification to an existing source and such modification consists of a portable source, operation, process, or emissions unit, except for a relocation at an existing source that meets the criteria of 326 IAC 2-1.1-3(g)(2).

(3) Relocation of a portable source, operation, process, or emissions unit.

(4) Modification of a portable source, operation, process, or emissions unit at a source operating under a valid operating permit.

(b) For the purposes of this rule, a source may divide the operation into like units, processes, or operations for the purposes of relocation or anticipated relocation. This division must be done as part of the initial application review process. *(Air Pollution Control Board; 326 IAC 2-14-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

##### **326 IAC 2-14-3 Approvals**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) A new portable source shall be registered or permitted in accordance with the provisions of 326 IAC 2-5.1 and 326 IAC 2-6.1.

(b) A portable source that will be part of an existing source shall be approved through the permit revision procedures under 326 IAC 2-6.1-6, 326 IAC 2-7-10.5, 326 IAC 2-7-12, or 326 IAC 2-8-11.1, as appropriate. The requirement to obtain an operating permit revision approval shall not apply to sources making changes under approved alternative operating scenarios that are incorporated into the source's operating permit. *(Air Pollution Control Board; 326 IAC 2-14-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

##### **326 IAC 2-14-4 Relocations**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) A portable source, operation, process, or emissions unit that has been issued a valid operating permit under this article may be issued a site approval letter for a new site that authorizes operation of the source, operation, process, or emissions unit as follows:

(1) The source submits a notification at least thirty (30) days prior to relocation.

(2) The commissioner shall approve or deny the relocation within thirty (30) days of receipt of the notification of the proposed relocation.

(3) The application submitted for a permit revision in accordance with 326 IAC 2-6.1-6, 326 IAC 2-7-12, or 326 IAC 2-8-11.1

shall satisfy the notification requirements of this section.

(b) The commissioner shall not approve a relocation of a portable source, operation, process, or emissions unit, if the following applies:

- (1) The relocation would allow a violation of the national ambient air quality standards (NAAQS).
- (2) The relocation would allow a violation of a prevention of significant deterioration (PSD) maximum allowable increase.
- (3) The source is not in compliance with all applicable air pollution control rules.
- (4) The relocation would adversely affect the public health.

*(Air Pollution Control Board; 326 IAC 2-14-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

### **ARTICLE 3. MONITORING REQUIREMENTS**

#### **Rule 1. Continuous Monitoring of Emissions (Repealed)**

*(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

#### **Rule 1.1. Continuous Monitoring of Emissions (Repealed)**

*(Repealed by Air Pollution Control Board; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079)*

#### **Rule 2. Source Sampling Procedures (Repealed)**

*(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

#### **Rule 2.1. Source Sampling Procedures (Repealed)**

*(Repealed by Air Pollution Control Board; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079)*

#### **Rule 3. Fuel Sampling and Analysis Procedures (Repealed)**

*(Repealed by Air Pollution Control Board; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079)*

#### **Rule 4. General Provisions**

##### **326 IAC 3-4-1 Definitions**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 1. In addition to the definitions provided in IC 13-11, 326 IAC 1-2, and 326 IAC 2-7, the following definitions apply through this article unless expressly stated otherwise:

- (1) "Applicable emission limitation or standard" means any of the following:
  - (A) A state or federal emission limitation or standard applicable to a regulated hazardous air pollutant under 40 CFR 61\* or 40 CFR 63\*.
  - (B) A state or federal emission limitation or standard applicable to a regulated air pollutant, other than a hazardous air pollutant under Section 112 of the CAA, for which the source is classified as a major source.
- (2) "Calendar quarter" means a three (3) month period beginning January 1, April 1, July 1, or October 1.
- (3) "Certified emissions monitor" means an emissions monitor that meets all applicable performance specifications of 40 CFR 60\* or any other performance specification, and for which performance data has been submitted to and approved by the department.
- (4) "Emission test", "source sampling test", "compliance test", or "performance test" means a procedure for sampling a gas stream from a single sampling location at a facility, unit, or pollution control equipment, to determine a pollutant emission rate, concentration, or parameter while the facility, unit, or pollution control equipment is operating at conditions that result in measurement of the highest emission or parameter values (prior to any control device), or at other operating conditions approved by the department or U.S. EPA. A test shall comprise three (3) sampling runs for a specified sampling time span. Additional conditions may be required by applicable rules, permit, or enforcement order. The test shall be performed using sampling and analytical procedures approved by the department or U.S. EPA for the specific pollutant or parameter and

facility, unit, pollution control equipment, process, or operation.

(5) "Emissions unit" means any part of or activity at a source that emits or has the potential to emit any regulated air pollutant for which an emission limitation or standard has been established. This term does not alter or affect the definition of the term "unit" for purposes of Title IV of the CAA or of the term "emissions unit" for purposes of Title V of the CAA.

(6) "Major source" means any major source as defined in 326 IAC 2-7-1(22), excluding any source described in 326 IAC 2-7-1(22)(A).

(7) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards.

(8) "Monitor system malfunction" means any interruption in the collection of valid data as a result of the failure of any component of the system to operate within the specifications of the applicable performance specification.

(9) "Out of control" means any data collected by a continuous monitoring system during periods immediately following an out of tolerance quality assurance assessment and prior to an acceptable quality assurance assessment.

(10) "Permit" means any applicable permit issued, renewed, amended, revised, or modified under 326 IAC 2-1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9.

(11) "Quality assurance" means those activities performed to ensure that monitoring data are sufficiently representative, accurate, precise, reliable, frequent, and timely. Those activities include, but are not limited to, frequent activities (daily) and less frequent activities (weekly, monthly, quarterly, and yearly).

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-4-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2062; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 3-4-2 Certification**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. Each report submitted under this article shall contain certification of truth, accuracy, and completeness. This certification and any other certification required under this article shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. (*Air Pollution Control Board; 326 IAC 3-4-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2063; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 3-4-3 Conversion factors**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Owners or operators of facilities subject to this article shall use the following procedures for converting monitoring data to units of the standard where necessary:

(1) For fossil fuel-fired steam generators, the following procedures shall be used to convert gaseous emission monitoring data in parts per million (ppm) to pounds per million British thermal units (Btu) (lbs/MMBtu) where necessary:

(A) When the owner or operator of a fossil fuel-fired steam generator elects under this article to measure oxygen (O<sub>2</sub>) in flue gases, the measurements of the pollutant concentration and oxygen shall be on a dry basis and the following conversion procedure used:

$$E = CF \frac{(20.9)}{(20.9 - \%O_2)}$$

(B) When the owner or operator elects under this article to measure carbon dioxide (CO<sub>2</sub>) in flue gases, the measurement of the pollutant concentration and the CO<sub>2</sub> concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used:

$$E = CF_c \frac{(100)}{(\%CO_2)}$$

(C) When the owner or operator elects under this article to measure sulfur dioxide (SO<sub>2</sub>) or nitrogen oxides (NO<sub>x</sub>) in the flue gases, the measurement of the diluent concentration and the SO<sub>2</sub> and the NO<sub>x</sub> concentration shall each be on a wet basis and the following conversion procedure used, except where wet scrubbers are employed or where moisture is otherwise added to the stack gases:

$$E = C_{ws} F_w \frac{(20.9)}{(20.9 (1 - B_{wa}) - \%O_{2ws})}$$

(D) When the owner or operator elects under this article to measure SO<sub>2</sub> or NO<sub>x</sub> in the flue gases, the measurement of the diluent concentration and the SO<sub>2</sub> and the NO<sub>x</sub> concentration shall each be on a wet basis and the following conversion procedure shall be used where wet scrubbers or moisture is otherwise present in the stack gases, provided water vapor content of the stack gas is measured at least once every fifteen (15) minutes at the same point as the pollutant and oxygen measurements are made:

$$E = C_{ws} F \frac{(20.9)}{(20.9 (1 - B_{ws}) - \%O_{2ws})}$$

(E) The values used in the equations under this subdivision are derived as follows:

- C<sub>ws</sub> = Pollutant concentration at stack conditions in grams per wet standard cubic meter (g/wscm) or pounds per wet standard cubic meter (lbs/wscm), determined by multiplying the average concentration in parts per million (ppm) for each one (1) hour period by 4.15 x 10<sup>-5</sup> M g/wscm per ppm or 2.59 x 10<sup>-9</sup> M lbs/wscm per ppm, where M is pollutant molecular weight in grams per gram-mole (g/g-mole) or pounds per pound-mole (lb/lb-mole).
- M = 64.07 for SO<sub>2</sub> and 46.01 for oxides of nitrogen (NO<sub>x</sub>) as NO<sub>2</sub>.
- C = Pollutant concentration at stack conditions in pounds per dry standard cubic meter (lbs/dscm) or grams per dry standard cubic meter (g/dscm).
- F, F<sub>c</sub> = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F<sub>c</sub>), respectively. Values of F and F<sub>c</sub> are given in 40 CFR 60\*, Appendix A, Method 19, as applicable.
- F<sub>w</sub> = A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F<sub>w</sub> are given in 40 CFR 60\*, Appendix A, Method 19.
- B<sub>wa</sub> = Proportion by volume of water vapor in the ambient air.
- B<sub>ws</sub> = Proportion by volume of water vapor in the stack gas.
- E = Pollutant emission, lbs/MMBtu.
- Percent O<sub>2</sub>, percent CO<sub>2</sub> = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under this article.
- Percent O<sub>2ws</sub> = Oxygen volume (expressed as percent) measurements made at stack conditions on a wet basis.

(2) For sulfuric acid plants or production facilities, the owner or operator shall:

- (A) establish a conversion factor three (3) times daily according to the procedures of 40 CFR 60.84(b)\*;
- (B) multiply the conversion factor by the average sulfur dioxide (SO<sub>2</sub>) concentration in the flue gases to obtain average SO<sub>2</sub> emissions in pounds per ton (lbs/ton); and
- (C) report the average sulfur dioxide emissions for each three (3) hour period in excess of the emission standard set forth in 326 IAC 7 in the quarterly summary.

(b) Alternate procedures for computing emission averages that do not require integration of data or alternative methods of converting pollutant concentration measurements to units of the emission standard may be approved by the department if the owner

or operator shows that the alternate procedures are at least as accurate as those in this rule.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-4-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2063; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **Rule 5. Continuous Monitoring of Emissions**

### **326 IAC 3-5-1 Applicability; monitoring requirements for applicable pollutants**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes the following:

(1) Substantive requirements for monitoring certain types of sources.

(2) A process for developing suitable monitoring requirements for other types of sources.

(b) This rule applies to the following sources and facilities hereinafter referred to as affected facilities:

(1) Any facility required to perform continuous monitoring under 326 IAC 12, which incorporates by reference the requirements of 40 CFR 60\*, or by a standard for hazardous air pollutants under 326 IAC 14, which incorporates by reference the requirements of 40 CFR 61\*, or 326 IAC 20, which incorporates by reference the requirements of 40 CFR 63\*.

(2) Fossil fuel-fired steam generators of greater than one hundred million (100,000,000) British thermal units (Btus) per hour heat input capacity.

(3) Sulfuric acid plants or production facilities of greater than three hundred (300) tons per day acid production capacity.

(4) Petroleum refinery catalyst regenerators for fluid bed catalytic cracking units of greater than twenty thousand (20,000) barrels (eight hundred forty thousand (840,000) gallons) per day fresh feed capacity.

(5) Portland cement plants.

(6) Facilities that combust sewage sludge.

(7) Sources making coke from raw materials, including the following:

(A) Coal refining byproducts.

(B) Petroleum refining byproducts.

(8) Facilities in Clark and Floyd Counties that:

(A) have potential to emit NO<sub>x</sub> greater than or equal to forty (40) tons per year; and

(B) are located at sources that have potential to emit NO<sub>x</sub> greater than or equal to one hundred (100) tons per year as described in 326 IAC 10.

(c) Sources and facilities described in subsection (b) are subject to the following requirements:

(1) Any facility subject to 326 IAC 12, which incorporates by reference the requirements of 40 CFR 60\*, 326 IAC 14, which incorporates by reference the requirements of 40 CFR 61\*, or 326 IAC 20, which incorporates by reference the requirements of 40 CFR 61\*, shall comply with the following:

(A) The monitoring and reporting requirements as specified for the applicable rule.

(B) All requirements of this rule.

(2) Fossil fuel-fired steam generators of greater than one hundred million (100,000,000) Btu per hour heat input capacity shall monitor the following:

(A) Opacity, unless:

(i) Gaseous fuel is the only fuel combusted.

(ii) Oil or a mix of gas and oil are the only fuels combusted and the facility is able to comply with both of the following without using particulate matter collection equipment:

(AA) 326 IAC 5-1.

(BB) 326 IAC 6-2.

(iii) An alternative monitoring requirement request has been granted by the department. An alternative monitoring requirement may be requested when installation of an opacity monitoring system would not provide accurate determinations of emissions as a result of interference from condensed uncombined water vapor. Any alternative monitoring requirement request shall address the following:



- (AA) Information pertaining to the inability of the affected facility to find an acceptable monitoring location prior to the source of the condensed, uncombined water vapor.
  - (BB) A list of proposed alternative monitoring requirements. For each proposed alternative monitoring requirement, the request must provide a detailed description of thresholds or triggers for corrective action resulting from deviation from normal operating parameters and how deviations from key surrogate parameters shall be addressed to insure continuous compliance with all applicable particulate and opacity requirements. An example of an acceptable alternative monitoring requirement is a particulate compliance demonstration that is no less frequent than annual in accordance with 326 IAC 3-6 and a compliance monitoring plan that, at a minimum, satisfies monitoring requirements under 326 IAC 2-7 or 326 IAC 2-8.
  - (CC) Record keeping that is consistent with section 6 of this rule.
  - (DD) Reporting frequency that is no less frequent than that required in section 7 of this rule.
- (iv) An alternative monitoring requirement request granted by the department under item (iii) shall be submitted to U.S. EPA as a SIP revision and shall not be in effect until approved as a SIP revision.
- (B) Sulfur dioxide (SO<sub>2</sub>) under the following conditions:
- (i) SO<sub>2</sub> pollution control equipment has been installed.
  - (ii) A monitor is required to determine compliance with either of the following:
    - (AA) 326 IAC 12.
    - (BB) A construction permit required under 326 IAC 2.
- (C) Nitrogen oxide (NO<sub>x</sub>) under the following conditions:
- (i) NO<sub>x</sub> pollution control equipment has been installed.
  - (ii) A monitor is required to determine compliance with either of the following:
    - (AA) 326 IAC 12.
    - (BB) A construction permit required under 326 IAC 2.
- (D) The percent O<sub>2</sub> or CO<sub>2</sub> if measurements of O<sub>2</sub> or CO<sub>2</sub> in the flue gas are required to convert either SO<sub>2</sub> or NO<sub>x</sub> continuous monitoring data, or both, to units of the emission limitation for the particular facility.
- (3) Sulfuric acid plants or production facilities of greater than three hundred (300) tons per day acid production capacity shall monitor SO<sub>2</sub> for each sulfuric acid producing facility within the source.
- (4) Petroleum refinery catalyst regenerators for fluid bed catalytic cracking units of greater than twenty thousand (20,000) barrels (eight hundred forty thousand (840,000) gallons) per day fresh feed capacity shall monitor opacity for each regenerator within the source.
- (5) Portland cement plants shall monitor opacity at the following facilities:
- (A) Kilns.
  - (B) Clinker coolers.
- (6) Facilities that combust sewage sludge shall monitor from the effluent gas exiting incinerator the following:
- (A) Total hydrocarbons.
  - (B) Oxygen.
  - (C) Moisture, unless an alternative method is approved by the department and the U.S. EPA.
  - (D) Temperature.
- (7) Sources making coke from coal shall monitor opacity on the underfire stack associated with each coke oven battery.
- (8) Facilities in Clark and Floyd Counties that have potential to emit NO<sub>x</sub> greater than or equal to forty (40) tons per year and are located at sources that have potential to emit NO<sub>x</sub> greater than or equal to one hundred (100) tons per year shall install NO<sub>x</sub> continuous emission monitors as described in 326 IAC 10-1.
- (d) The department may require, as a condition of a construction or operating permit issued under 326 IAC 2-1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 that the owner or operator of a new or existing source of air emissions monitor emissions to ensure compliance with the following:
- (1) An emission limitation or standard established in one (1) of the permits listed in this subsection.
  - (2) Permit requirements.
  - (3) Monitoring requirements in 326 IAC 7.
- (e) Unless explicitly stated otherwise, nothing in this rule shall:
- (1) Excuse the owner or operator of a source from any monitoring, record keeping, or reporting requirement that applies under any provision of the CAA or state statutes or regulations.

(2) Restrict the authority of the department to impose additional or more restrictive monitoring, record keeping, testing, or reporting requirements on any owner or operator of a source under any other provision of the CAA, including Section 114(a)(1), or state statutes or regulations, as applicable.

(f) Within one hundred eighty (180) days of startup or, for a source existing on the effective date of this rule, within three hundred sixty-five (365) days of becoming an affected facility under this rule, all continuous monitoring systems shall be installed, operational, and the certification testing complete pursuant to section 3 of this rule.

\*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 3-5-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2064; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1596; errata filed Jan 7, 2002, 2:20 p.m.: 25 IR 1644*)

**326 IAC 3-5-2 Minimum performance and operating specifications**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. Owners and operators of monitoring equipment installed to comply with this rule shall comply with the performance specifications and operating requirements as follows:

(1) Performance specifications set forth in 40 CFR 60\*, Appendix B, shall be used to certify monitoring equipment installed pursuant to this rule; however, where reference is made to the administrator in 40 CFR 60\*, Appendix B, the term "department" shall be inserted for purposes of this rule, and where continuous emissions monitors were installed prior to March 1983 for measuring opacity, the performance specifications in 40 CFR 60\*, Appendix B, 1982 Edition, shall apply.

(2) Cycling times, which include the total time a monitoring system requires to sample, analyze, and record an emission measurement, shall be as follows:

(A) Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive ten (10) second period.

(B) Continuous monitoring systems that measure the following emissions shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive fifteen (15) minute measuring period:

- (i) Carbon dioxide (CO<sub>2</sub>).
- (ii) Carbon monoxide (CO).
- (iii) Hydrogen sulfide (H<sub>2</sub>S).
- (iv) Oxides of nitrogen (NO<sub>x</sub>).
- (v) Oxygen (O<sub>2</sub>).
- (vi) Sulfur dioxide (SO<sub>2</sub>).
- (vii) Total hydrocarbons (THC).
- (viii) Total reduced sulfur (TRS).
- (ix) Volatile organic compounds (VOC).

(3) For opacity monitoring when effluent from two (2) or more affected facilities is combined before being released to the atmosphere, the owner or operator may either:

(A) install a continuous opacity monitoring system on the combined effluent; or

(B) install a continuous opacity monitoring system comprised of, and capable of combining the signals from, component transmissometers on each effluent stream.

Results shall be reported on combined effluent. This requirement shall not apply to facilities utilizing wet flue gas desulfurization equipment. For facilities using wet flue gas desulfurization equipment, opacity may be reported on the combined exhaust or on individual exhausts except as provided for facilities affected by an NSPS as described at 40 CFR 60.13(i)\*. Compliance for facilities that opt to report on the individual exhausts shall be determined on the individual exhausts based on data provided in accordance with section 7 of this rule.

(4) When the effluent from two (2) or more affected facilities subject to the same emission standard, other than opacity, are combined before being released to the atmosphere, the owner or operator may report the results as required for each affected facility or for the combined effluent.

(5) Instrument full-scale response or upper limit of concentration measurement range for all opacity monitoring systems shall

be set at one hundred percent (100%) opacity if possible. If the monitoring system is a requirement of 40 CFR 60\*, 40 CFR 61\*, 40 CFR 63\*, or 40 CFR 75\*, then the appropriate instrument span values and cycling times pursuant to the applicable part shall be used. In all cases, the manufacturer's procedures for calibration shall be followed and may result in an upscale maximum response of less than one hundred percent (100%). The minimum instrument full-scale response for gaseous monitoring systems shall be set at two hundred percent (200%) of the expected instrument data display output corresponding to the emission limitation for the facility unless a request for an alternative setting that provides the following information is submitted to and approved by the department in writing:

- (A) The proposed alternate instrument span value.
- (B) The expected range of pollutant measured concentrations.
- (C) The control device in use.
- (D) The process to be controlled.
- (E) The location of the monitor, such as stack or duct.
- (F) The reason for requesting the alternate instrument span value.

(6) Locations for installing continuous monitoring systems or monitoring devices that vary from locations provided under the performance specifications of 40 CFR 60\*, Appendix B, shall be approved by the department and the U.S. EPA upon a demonstration by the owner or operator that installation at alternative locations will enable accurate and representative measurements.

(7) Owners or operators of affected facilities shall conduct continuous emission monitoring system performance evaluations, upon the request of the department, to demonstrate continuing compliance of the continuous emission monitoring systems with performance specifications as follows:

- (A) A performance evaluation is a quantitative and qualitative evaluation of the performance of the continuous emission monitor in terms of:
  - (i) accuracy;
  - (ii) precision;
  - (iii) reliability;
  - (iv) representativeness; and
  - (v) comparability;

of the data acquired by the monitoring system.

(B) The department may request owners or operators of affected facilities, as defined in section 1(b) of this rule, to conduct continuous emission monitoring system performance evaluations if the department has reason to believe, based on review of monitoring data, quality assurance data, inspections, or other information, that the continuous emission monitoring system is malfunctioning or may be providing invalid data over an extended period.

(C) A written report containing the complete information of the performance evaluations shall be furnished to the department within forty-five (45) days after the test date. The department may conduct performance evaluations of the continuous emission monitoring systems at any time in order to verify the continued compliance of the systems with the performance specifications.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2066*)

**326 IAC 3-5-3 Monitor system certification**

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

Sec. 3. Monitor system certification requirements apply to sources and facilities subject to this rule as follows:

(1) The owner or operator shall conduct the applicable performance specifications tests in accordance with the procedures specified in 40 CFR 60\*\*, or other applicable federal regulations, for the required monitoring system as follows:

- (A) Not later than one hundred eighty (180) days after a facility start-up or initial monitor installation date.
- (B) Not later than forty-five (45) unit operating days after monitor replacement date, or significant monitor repair as described in IDEM's Quality Assurance Manual, Chapter 20 (dated June 20, 1997)\*, which affects the ability of the

analyzer to function date.

- (2) The owner or operator shall notify the department in writing as follows:
  - (A) No less than fourteen (14) days in advance of the start of continuous opacity monitor (COM) certification.
  - (B) No less than thirty-five (35) days in advance of the certification of a gaseous monitoring system.
- (3) The owner or operator shall submit all the required test data and information in the form of a written report to the department for review and approval within forty-five (45) days of completion of the performance specification test.
- (4) The department shall issue a written notice of certification status upon review of the complete certification test report. A required monitoring system is certified when the department issues a certification letter stating that the required monitoring system, including all applicable components, has satisfactorily met all federal and state monitoring requirements.
- (5) The department may decertify a required monitoring system if an audit or performance evaluation reveals that such monitoring system or a component thereof does not meet applicable performance specifications or requirements. The owner or operator shall repeat the certification process for the required monitoring system within forty-five (45) days of the date of the department's decertification of the required monitoring system.

\*Copies of IDEM's Quality Assurance Manual, Chapter 20 (dated June 20, 1997) are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015.

\*\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2067*)

### **326 IAC 3-5-4 Standard operating procedures**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) The owner or operator of each affected facility specified in section 1(b) of this rule, any facility subject to 326 IAC 12, or any other facility required to monitor emissions on a continuous basis shall submit to the department, within ninety (90) days after monitor installation, a complete, written continuous monitoring standard operating procedures (SOP). If revisions are made to the SOP, updates shall be submitted to the department biennially. At a minimum, the SOP shall describe complete step-by-step procedures and operations as follows:

- (1) A description of the facility monitored.
- (2) A listing of the following:
  - (A) Each monitor's brand.
  - (B) Model number.
  - (C) Serial number.
  - (D) Monitoring location.
  - (E) Data handling and acquisition system.
- (3) Examples of all reporting and log forms.
- (4) Record keeping and reporting procedures that include the following:
  - (A) Reporting of instrument precision and accuracy.
  - (B) Reporting of emissions data.
- (5) Methods and procedures for analysis and data acquisition.
- (6) Calibration procedures that include the following:
  - (A) Calibration error limits and linearity.
  - (B) Calibration gas type, gas quality, and traceability to the National Institute of Standards and Technology.
  - (C) Calibration frequency.
  - (D) Criteria for recalibration, and analysis procedures to periodically verify the accuracy of span and calibration standards.
- (7) Operation procedures that include daily procedures, quantifying and recording daily zero (0) and high level drift that meet the requirements of 40 CFR 60\*, Appendix B, Performance Specification 2, Section 4.2 or other applicable regulations, and other operating parameter checks indicating correct operational status.

(8) Quality control and quality assurance procedures that include the following:

- (A) A statement of quality policy and objectives.
- (B) Organization and responsibilities description.
- (C) Calibration and span and zero (0) drift criteria.
- (D) Excessive drift criteria.
- (E) Corrective action for excessive drift.
- (F) Precision and accuracy audits.
- (G) Corrective action for accuracy audits failure.
- (H) Data validity criteria.
- (I) Participation in department audits.
- (J) Data recording and calculation audits.

(9) Preventive maintenance procedures and corrective maintenance procedures that include those procedures taken to ensure continuous operation and to minimize malfunctions.

(10) A listing of the manufacturer's recommended spare parts inventory.

(b) If a facility owner or operator fails to submit a SOP or submits a SOP that fails to address the factors provided under subsection (a), the department may require a performance evaluation pursuant to section 2 of this rule.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2068*)

**326 IAC 3-5-5 Quality assurance requirements**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Except where 40 CFR 75\* is applicable for affected facilities under the acid rain program, quality assurance requirements specified in this section and 40 CFR 60\*, Appendix F, apply to continuous emission monitors that monitor the following:

- (1) Carbon dioxide (CO<sub>2</sub>).
- (2) Carbon monoxide (CO).
- (3) Hydrogen sulfide (H<sub>2</sub>S).
- (4) Nitrogen oxide (NO<sub>x</sub>).
- (5) Oxygen (O<sub>2</sub>).
- (6) Sulfur dioxide (SO<sub>2</sub>).
- (7) Total hydrocarbons (THC).
- (8) Total reduced sulfur (TRS).
- (9) Volatile organic compounds (VOC).

(b) Facilities that are subject to 40 CFR 75\* shall follow the quality assurance procedures of 40 CFR 75\* and report the results in accordance with subsection (e).

(c) Quality control (QC) requirements for continuous opacity monitoring systems (COMS) are as follows:

(1) For calibration drift (CD) assessment, the COMS shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level opacity. The COMS shall be adjusted whenever the CD exceeds the specification of 40 CFR 60\*, Appendix B, Performance Specification 1 (PS-1), and the COMS shall be declared out of control when the CD exceeds twice the specification of PS-1. Corrective actions, followed by a validating CD assessment, are required when the COMS is out of control.

(2) For fault indicators assessment, the fault lamp indicators, data acquisition system error messages, and other system self-diagnostic indicators shall be checked at least daily. Appropriate corrective actions shall be taken when the COMS is operating outside the preset limits.

(3) For performance audits, checks of the individual COMS components and factors affecting the accuracy of the monitoring data, as described in this subdivision, shall be conducted, at a minimum, on a calendar quarter basis. The absolute minimum checks included in the performance audit are as follows:

- (A) The status of the optical alignment of the monitor components shall be checked and recorded according to the procedure specified by the monitor manufacturer. Monitor components must be realigned as necessary.
- (B) The apparent effluent opacity shall be compared and recorded before and after cleaning each of the exposed optical surfaces. The total optical surface dust accumulation shall be determined by summing up the apparent reductions in opacity for all of the optical surfaces that are cleaned. Caution should be employed in performing this check since fluctuations in effluent opacity occurring during the cleaning cycle may adversely affect the results.
- (C) The zero (0) and upscale response errors shall be determined and recorded according to the CD procedures. The errors are defined as the difference (in percent opacity) between the correct value and the observed value for the zero (0) and high level calibration checks.
- (D) The value of the zero (0) compensation applied at the time of the audit shall be calculated as equivalent opacity, corrected to stack exit conditions, according to the procedures specified by the manufacturer. The compensation applied to the effluent recorded by the monitor system shall be recorded.
- (E) The optical pathlength correction ratio (OPLR) shall be computed from the monitor pathlength and stack exit diameter and shall be compared, and the difference recorded, to the monitor setup OPLR value. The stack exit correlation error shall be determined as the absolute value of the difference between the measured value and the correct value, expressed as a percentage of the correct value.
- (F) A three-point calibration error test of the COMS shall be conducted. Three (3) neutral density filters meeting the requirements of PS-1 shall be placed in the COMS light beam path. The monitor response shall be independently recorded from the COMS permanent data recorder. Make a total of five (5) nonconsecutive readings for each filter. The low-range, mid-range, and high-range calibration error results shall be computed as the mean difference and ninety-five percent (95%) confidence interval for the difference between the expected and the actual responses of the monitor as corrected to stack exit conditions. These values shall be calculated using the procedure of PS-1, Section 8.0. The following are requirements for these values:
  - (i) The calibration error test requires the installation of an external calibration audit device (zero-jig). The zero-jig shall be adjusted to provide the same zero (0) response as the monitor's simulated zero (0).
  - (ii) Use calibration attenuators, that is, neutral density filters or screens, with values that have been determined according to PS-1, Section 7.1.3, "Attenuator Calibration", and produce simulated opacities (as corrected to stack exit conditions) in the ranges listed in Table 1-2 in PS-1.
  - (iii) The stability of the attenuator values shall be checked at least once per year according to the procedures specified in PS-1. The attenuators shall be recalibrated if the stability checks indicate a change of two percent (2%) opacity or greater.

(4) The following are requirements for monitor acceptance criteria:

- (A) The following criteria are to be used for determining if the COMS audit results are acceptable:

TABLE 1. PERFORMANCE AUDIT CRITERIA

Stack Exit Correlation Error	≤ 2 percent
Zero and Upscale Responses	≤ 2 percent opacity
Zero Compensation	≤ 4 percent opacity
Optical Alignment	Misalignment error ≤ 2 percent opacity
Optical Surface Dust Accumulation	≤ 4 percent opacity
Calibration Error	≤ 3 percent opacity

(B) The COMS is out of control whenever the results of a quarterly performance audit indicate noncompliance with any of the performance assessment criteria of Table 1 in clause (A). If the COMS is out of control, the owner or operator must take the action necessary to eliminate the problem. Following corrective action, the source owner or operator must reconduct the appropriate failed portion of the audit and other applicable portions to determine whether the COMS is operating properly and within specifications. The COMS owner or operator shall record both audit results showing the COMS to be out of control and the results following corrective action. COMS data obtained during any out of control period may not be used for compliance determination; the data may be used for identifying periods where there has been a failure to meet quality assurance and control criteria.

(C) Repeated audit failures, that is, out of control conditions resulting from the quarterly audits, indicate that the QC procedures are inadequate or the COMS is incapable of providing quality data. The source owner or operator shall

increase the frequency of the above QC procedures until the performance criteria are maintained or modify or replace the COMS whenever two (2) consecutive quarters of unacceptable performance occur.

(5) The performance audit calculations contained in PS-1, Section 8 shall be followed.

(d) Except where 40 CFR 75\* is applicable for affected facilities under the acid rain program, quality control requirements for flow monitoring systems are as follows:

(1) For CD assessment, the flow monitoring system shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level. The flow monitoring systems shall be adjusted whenever the CD exceeds the specification of 40 CFR 60\*, Appendix B, Performance Specification 6 (PS-6), and the flow monitoring systems shall be declared out of control when the CD exceeds twice the specification of PS-6. Corrective actions, followed by a validating CD assessment, are required when the flow monitoring system is out of control.

(2) An annual relative accuracy test.

(e) Reporting requirements for performance audits are as follows:

(1) Owners or operators of facilities required to conduct:

- (A) cylinder gas audit;
- (B) relative accuracy test audit; or
- (C) continuous opacity monitor calibration error audit;

on continuous emission monitors shall prepare a written report of the results of the performance audit for each calendar quarter, or for other periods required by the department. Quarterly reports shall be submitted to the department within thirty (30) calendar days after the end of each quarter.

(2) The performance audit report shall contain the following information:

(A) Plant and monitor information, including the following:

- (i) The plant name and address.
- (ii) The monitor brand, model, and serial number.
- (iii) The monitor span.
- (iv) The monitor location, for example, duct, boiler, unit, or stack designation.

(B) Performance audit information, including the following:

- (i) The auditor's name.
- (ii) A copy of the audit standard's certification, for example, the vendor's Protocol 1 certification, or neutral density filter certification.
- (iii) All data used to calculate the audit results.
- (iv) The audit results and an indication if the monitor passed or failed the audit. If the performance audit results show the CEMS or COMS to be out of control, the CEMS or COMS owner or operator must report both the audit results showing the CEMS or COMS to be out of control and the results of the audit following corrective action showing the COMS to be operating within specification.
- (v) Any corrective actions performed as the result of a failed audit.

(f) If a relative accuracy test audit of any continuous emission monitor listed in subsection (a) is performed, the department must be notified at least thirty-five (35) days prior to the audit.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2069*)

**326 IAC 3-5-6 Record keeping requirements**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 6. (a) On and after the certification of a monitoring system, the owner or operator of a source subject to this rule shall maintain records, including raw data, of all monitoring data and supporting information for a minimum of five (5) years from the date of any of the following:

- (1) A monitoring sample.
- (2) A measurement.

- (3) A test.
- (4) A certification.
- (5) A report.
- (6) Any other activity required under this article.
- (b) The records described in subsection (a) shall include the following:
  - (1) All documentation relating to:
    - (A) design, installation, and testing of all elements of the monitoring system; and
    - (B) required corrective action or compliance plan activities.
  - (2) All maintenance logs, calibration checks, and other required quality assurance activities.
  - (3) All records of corrective and preventive action.
  - (4) A log of plant operations, including the following:
    - (A) Date of facility downtime.
    - (B) Time of commencement and completion of each downtime.
    - (C) Reason for each downtime.

(c) The owner or operator of a source subject to this rule shall maintain the records required by this section at the source, or at such other site, in a manner so that they may be inspected by the department or the U.S. EPA, if so requested or required. (*Air Pollution Control Board; 326 IAC 3-5-6; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2071*)

**326 IAC 3-5-7 Reporting requirements**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 7. The following reporting requirements apply to sources subject to this rule:

- (1) Sources subject to the requirements of section 1 of this rule shall report excess emissions no less frequently than quarterly. For sources required to report quarterly, such reports shall be:
  - (A) submitted by the facility owner or operator to the department; and
  - (B) postmarked or delivered by other means no later than thirty (30) calendar days following the last day of the reporting period.
- (2) If a permit specifies or a rule requires more frequent reports, such reports shall be:
  - (A) submitted by the facility owner or operator to the department; and
  - (B) postmarked or delivered by other means no later than fifteen (15) calendar days after the end of each month.
- (3) Gaseous excess emissions data reports shall be reported using three (3) hour block periods ending at 03:00, 06:00, 09:00, 12:00, 15:00, 18:00, 21:00, and 24:00. For facilities that must demonstrate compliance with hourly (one (1) hour), daily (twenty-four (24) hour) average, or thirty (30) day averages, such information shall be submitted as part of the quarterly report required in this section.
- (4) The monitoring report shall contain the following continuous monitoring information summaries, with all times reported in real time:
  - (A) Monitored facility operation time during the reporting period.
  - (B) Excess emissions or parameters, as applicable, reported in units of the standard, or the applicable parameter unit as follows:
    - (i) Date of excess emissions, or other applicable dates.
    - (ii) Time of commencement and completion for each applicable parameter deviation or excess emission data.
  - (C) Magnitude of each excess emission as follows:
    - (i) For opacity as follows:
      - (AA) The actual percent opacity of all six (6) minute (block) averages exceeding the applicable opacity limit shall be reported. If the exceedance occurs continuously beyond one (1) six (6) minute period, the percent opacity for each six (6) minute period or the highest six (6) minute average opacity for the entire period shall be reported.
      - (BB) For department approved opacity averaging times other than six (6) minutes, the actual percent opacity of each averaging period in excess of the applicable limit shall be reported.
      - (CC) A summary by cause shall be prepared and submitted as part of this report itemizing exceedances by



cause.

(ii) For gaseous emissions, the excess emissions, in units of the applicable standard, must be reported based on the applicable averaging time, for example, one (1) hour block, three (3) hour block, three (3) hour rolling, in addition to any other reporting requirements that may be applicable. The averaging time is specified in the applicable federal or state rules, or facility operating permit.

(5) Continuous monitoring system instrument downtime, except for zero (0) and span checks, which shall be reported separately, shall include the following:

- (A) Date of downtime.
- (B) Time of commencement.
- (C) Duration of each downtime.
- (D) Reasons for each downtime.
- (E) Nature of system repairs and adjustments.

*(Air Pollution Control Board; 326 IAC 3-5-7; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2071)*

## **Rule 6. Source Sampling Procedures**

### **326 IAC 3-6-1 Applicability; test procedures**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 1. This rule applies to any facility emissions testing performed to determine compliance with applicable emission limitations contained in this title, or for any other purpose requiring review and approval by the department (such as an alternate emission factor determination). Emission tests subject to this rule shall be conducted in accordance with any applicable procedures and analysis methods specified in 40 CFR 51\*, 40 CFR 60\*, 40 CFR 61\*, 40 CFR 63\*, 40 CFR 75\*, or other procedures approved by the department.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. *(Air Pollution Control Board; 326 IAC 3-6-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2072)*

### **326 IAC 3-6-2 Source sampling protocols**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. (a) When an emissions test is to be performed by any person other than the department, the source shall complete a test protocol form and submit the test protocol form to the department not later than thirty-five (35) days prior to the intended test date unless more notice is required under the applicable program. Such test protocol shall be on a form approved by the department or shall contain information equivalent to that required on the form approved by the department.

(b) After evaluating the completed test protocol form, the department may:

- (1) inspect the test site; or
- (2) require additional conditions, including, but not limited to:
  - (A) reasonable modifications to the stack or duct to obtain acceptable test conditions;
  - (B) additional tests to allow for adverse conditions such as interferences, nonsteady, or cyclic processes;
  - (C) keeping process operating parameter records, operating logs, or charts during the test;
  - (D) conditions on control equipment operation to make the operation of control equipment representative of normal operation; or
  - (E) recording specified control equipment operating parameters during the test.

(c) If the department requires modification to test methods, analytical methods, operational parameters, or other matters included in the emissions test protocol, the department shall notify the source operator and the testing firm by letter or telephone not later than twenty-one (21) days prior to the test date.

(d) If the source operator or test firm desires to change previously submitted procedures or conditions, the department shall

be notified of such change as soon as practicable prior to the intended emissions test date. Such changes shall not be made unless approved by the department prior to the emission test.

(e) Reasonable changes in the emissions test protocol that result from emergency conditions during the test shall be approved by the department if a department staff person is available at the test site before the test may proceed.

(f) Post-test approval may be granted based on reasonable changes resulting from emergency or reasonably unforeseeable conditions during the test.

(g) The department reserves the right to conduct any portion of the reference method tests using equipment supplied by the department. Notice of acceptable test procedures shall be given to the source and its testing representative.

(h) The source operator shall schedule an actual test date and time period and notify the department not later than fourteen (14) days prior to the actual test date. In the event that a previously scheduled test must be canceled and rescheduled, the source shall notify the department no less than fourteen (14) days in advance of the rescheduled test date. (*Air Pollution Control Board; 326 IAC 3-6-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2072*)

### **326 IAC 3-6-3 Emission testing**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. (a) Department staff may observe field test procedures and source operation during the emission test.

(b) All emission tests shall be conducted as follows:

(1) While the facility being tested is operating at ninety-five percent (95%) to one hundred percent (100%) of its permitted operating capacity.

(2) Under conditions representative of normal operations.

(3) Under other capacities or conditions specified and approved by the department. As used in this subdivision, "capacity" means the design capacity of the facility or other operating capacities agreed to by the source and the department.

(c) Facilities subject to 326 IAC 12, New Source Performance Standards, or 326 IAC 20, Hazardous Air Pollutants, shall be tested under conditions as specified in the applicable provision for that facility in 40 CFR 60\* or 40 CFR 63\* and this rule where appropriate.

(d) The source shall make available at the test site calibration results of the various sampling components. The information shall include the following:

(1) The date or dates the test was performed.

(2) The methods used.

(3) The data.

(4) The results.

All components requiring calibration shall be calibrated within sixty (60) days prior to the actual test date. Post-test calibrations shall be performed on the components not later than forty-five (45) days after the actual test date. Components requiring calibration are listed in the federal test methods specified in this rule.

(e) The department may perform or require the performance of audits of equipment or procedures associated with the test series up to the time of the actual performance of the test, between test runs, or following the test series. The department reserves the right to perform or observe all associated analyses.

(f) The original or a photocopy of the raw field data generated during the test series shall be provided to the department observer upon request if such request may be reasonably met under the existing circumstances.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-6-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2073*)

### **326 IAC 3-6-4 Reporting**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) All emission tests for which a protocol was submitted pursuant to section 2 of this rule shall be reported to the

department in the form of an emission test report containing the following information:

- (1) The reported testing methods and results certified as true and accurate and in compliance with this rule by the person responsible for conducting the emissions test.
- (2) Information regarding the test, including the following:
  - (A) A description of the facility or facilities being tested.
  - (B) The date or dates on which the test was performed.
  - (C) The type of tests conducted.
  - (D) The type of process and control equipment utilized.
  - (E) The source name and location.
  - (F) The purpose of the tests.
  - (G) The test participants and their titles.
- (3) Tabulated data and results, including the following:
  - (A) The process weight rate or heat input rate.
  - (B) The referenced or derived conversion factors.
  - (C) The stack gas flow rate.
  - (D) Measured emissions given in units consistent with the applicable emission limitations.
  - (E) Visible emissions observations or six (6) minute average continuous opacity monitor readings.
  - (F) Average value of emissions from any continuous gaseous emissions monitoring system in units consistent with the applicable emission limitations if applicable to the pollutant being tested.
- (4) A description of process and control devices, including the following:
  - (A) A process flow diagram.
  - (B) The maximum design capacities.
  - (C) A fuel analysis and heat value for heat input rate determinations.
  - (D) The process and control equipment operating conditions.
  - (E) A discussion of variations from normal plant operations.
  - (F) The stack height.
  - (G) The exit diameter.
  - (H) The volumetric flow rate (cubic feet per minute).
  - (I) The exit temperature.
  - (J) The exit velocity.
- (5) A description of sampling methods used, including the following:
  - (A) Brief discussion of the analytical procedures with justifications for any variance from reference method procedures.
  - (B) Specification of the following:
    - (i) The number of sampling points.
    - (ii) The time per point.
    - (iii) The total sampling time per run.
  - (C) Cross-sectional diagram of the sampling site showing sampling points.
  - (D) Diagram showing the following:
    - (i) The stack dimensions.
    - (ii) The sampling location.
    - (iii) The distance from the nearest flow disturbance upstream and downstream of the sampling points.
    - (iv) The diagram of the sampling train.
- (6) Sampling and analytical procedures used, including the following:
  - (A) Results and calculations, including the following:
    - (i) Units consistent with the applicable emission limitation.
    - (ii) One (1) complete calculation using actual data for each type of test performed.
    - (iii) Raw production data signed by the source official.
    - (iv) Photocopies of all actual field data.
  - (B) Laboratory report, including the following:
    - (i) The chain of custody.
    - (ii) Copies of all calibration data for equipment used in sampling as described in section 3(d) of this rule.

- (C) Applicable rules and regulations showing the emission limitations.
- (D) For particulate matter tests, copies of visible emissions evaluations or opacity monitor readings.
- (E) Copies of any continuous gaseous emissions monitoring system readings for gaseous pollutant tests.

(b) All emission test reports must be received by the department not later than forty-five (45) days after the completion of the testing. An extension may be granted by the department if the source submits to the department a reasonable written explanation for the requested extension not later than five (5) days prior to the end of the initial forty-five (45) day period. (*Air Pollution Control Board; 326 IAC 3-6-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2073*)

**326 IAC 3-6-5 Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Particulate matter tests shall be conducted in accordance with the following procedures:

(1) 40 CFR 60\*, Appendix A, Method 5, 5A, 5B, 5C, 5D, 5E, or 5F, as applicable, or other procedures approved by the department.

(2) Visible emissions (VE) evaluations shall be performed in conjunction with a particulate emissions test by a qualified observer in accordance with the procedures contained in 326 IAC 5-1-4. VE readings shall be continuously recorded for at least thirty (30) minutes per hour of sampling time for each sampling repetition. A waiver from this requirement may be granted by the on-site department staff person if adverse conditions exist that would invalidate the VE readings. Complete waivers may not be granted to facilities required to complete opacity testing pursuant to 40 CFR 60.8\*. Facilities equipped with continuous opacity monitors may submit the six (6) minute integrated readings of such monitors during the sampling period, instead of performing VE evaluations, provided:

(A) the monitoring system meets the performance specifications as specified in 40 CFR 60\*, Appendix B, and is, or will be, certified by the department; and

(B) the monitor readings submitted with the test include a zero (0) and upscale calibration check before the first test run and following the end of the final run.

(3) At least three (3) repetitions of the test shall be performed under consistent facility operating conditions unless otherwise allowed by the department. For boiler emissions testing, at least one (1) of the three (3) repetitions shall be conducted during a normal sootblowing cycle that is consistent with frequency and duration normally experienced.

(4) At Richmond Power and Light's Whitewater Generating Station, when sootblowing occurs during one (1) of the three (3) repetitions, emission test results shall be evaluated using either a time weighted averaging period (TWAP) or a straight averaging technique. When using TWAP, the following equation shall be used to ensure proper weighting of an intermittent cleaning cycle performance test run regardless of the length of the length of *[sic.]* the cleaning cycle and regardless of the number and duration of the test runs made on the unit. When using TWAP, the representative pounds per hour of particulate emissions shall be calculated using the following equation:

$$E = E_{cc} \frac{(A + B)}{AR} S + E_{ncc} \frac{(R - S)}{R} - \frac{BS}{AR}$$

- Where:
- E = Pounds per hour of particulate emissions.
  - E<sub>cc</sub> = Average E of sample containing cleaning cycle.
  - E<sub>ncc</sub> = Average E of sample containing no cleaning cycle.
  - A = Hours of cleaning cycle operation during sample.
  - B = Hours with no cleaning cycle operation during sample.
  - R = Average hours of operation per twenty-four (24) hours.
  - S = Average hours of cleaning cycle operation per twenty-four (24) hours.

(5) Only those fuels representative of normal fuel quality used during normal operations shall be combusted.

(6) During each repetition, each sampling point shall be sampled for a minimum of two (2) minutes.

(7) The total test time per repetition shall be no less than sixty (60) minutes.

(8) The total sample volume per repetition shall be no less than thirty (30) dry standard cubic feet (dscf).

(9) The total particulate weight collected from the sampling nozzle, probe, cyclone (if used), filter holder (front half), filter, and connecting glassware shall be reported to the department. Particulate analysis of the impinger catch is not required, unless specified by the department.

(b) Sulfur dioxide (SO<sub>2</sub>) tests shall be conducted in accordance with the following procedures:

(1) 40 CFR 60\*, Appendix A, Method 6, 6A, or 6C, or 8, as applicable, or other procedures approved by the department.

(2) At least three (3) repetitions of two (2) samples, each according to 40 CFR 60\*, Appendix A, Method 6, 6A, or 6C, or three (3) repetitions according to 40 CFR 60\*, Appendix A, Method 8, performed under identical facility operating conditions, shall constitute a test. For boiler emissions testing, only those fuels representative of fuel quality during normal operations shall be combusted.

(3) During each of the repetitions for 40 CFR 60\*, Appendix A, Method 8, each sampling point shall be sampled for a minimum of two (2) minutes.

(4) The total test time per repetition shall be as follows:

(A) For tests using 40 CFR 60\*, Appendix A, Method 6, 6A, or 6C, a minimum of twenty (20) minutes per run with a thirty (30) minute interval between each run.

(B) For tests using 40 CFR 60\*, Appendix A, Method 8, a minimum of sixty (60) minutes per run.

(5) The total sample volume per repetition under 40 CFR 60\*, Appendix A, Method 8, shall be no less than forty (40) dry standard cubic feet (dscf).

(c) Nitrogen oxide (NO<sub>x</sub>) tests shall be conducted according to the following procedures:

(1) 40 CFR 60\*, Appendix A, Method 7, 7A, 7B, 7C, or 7E, as applicable, or other procedures approved by the department.

(2) At least three (3) repetitions of four (4) samples each shall constitute a test.

(d) Volatile organic compounds (VOC) emissions tests shall be conducted in accordance with the following procedures:

(1) 40 CFR 60\*, Appendix A, Method 25, or other procedures approved by the department, shall be used for the total nonmethane organic emissions.

(2) At least three (3) samples shall be collected and analyzed.

(3) The total test time per repetition shall be a minimum of sixty (60) minutes.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-6-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2074*)

## **Rule 7. Fuel Sampling and Analysis Procedures**

### **326 IAC 3-7-1 Applicability**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 1. This rule applies to fuel sampling and analysis performed to determine compliance with the emission limitations specified in 326 IAC 7. (*Air Pollution Control Board; 326 IAC 3-7-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2075; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 3-7-2 Coal sampling and analysis methods**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. (a) Owners or operators of coal sampling systems for sources with total coal-fired capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour actual heat input shall follow procedures specified in ASTM D2234-89\*, "Standard Methods for Collection of a Gross Sample of Coal", unless otherwise provided in section 3 of this rule. Additionally, the coal sampling system shall meet the following requirements:

(1) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.

- (2) The increment collection method is specified in ASTM D2234-89\*, Table 1, I-A-1, I-B-1, or I-C-1.
  - (3) The opening of the sampling device shall be at least two and one-half (2.5) times the top-size of the coal and not less than one and one-fourth (1.25) inches.
  - (4) The sampling device shall have sufficient capacity to completely retain or entirely pass the increment without loss or spillage.
  - (5) The velocity with which the cross-stream cutting instrument travels through the stream shall not exceed eighteen (18) inches per second. The velocity requirement shall not apply to a swing-arm sampler or to a sampler whose cutter opening is perpendicular to the stream of coal. Owners or operators of all coal sampling systems shall detail the proper operating procedures in the standard operating procedures document required under section 5 of this rule.
  - (6) Increments obtained during the sampling period shall be protected from changes in composition to maintain the integrity of constituent characteristics required to convert sample sulfur content to units of the applicable emission standard.
  - (7) A comparison of weight or volume of collected sample with that of the total flow of coal shall be conducted at a minimum of one (1) time every two (2) weeks to assure a constant sampling ratio is maintained for increments composited into a sample representing a single twenty-four (24) hour period.
  - (8) A routine inspection of the sampling system shall be established to meet requirements and guidelines specified in ASTM D4702-87\*, "Guide for Inspecting Mechanical Coal Sampling Systems that Use Cross-Cut Sample Cutters for Conformance with Current ASTM Methods".
  - (9) Composite samples shall be collected for analysis at a minimum of one (1) time per twenty-four (24) hour period.
  - (b) Owners or operators of coal sampling systems for sources with total coal-fired capacity between one hundred (100) and one thousand five hundred (1,500) million Btus per hour actual heat input shall comply with requirements specified as follows:
    - (1) in subsection (a);
    - (2) in section 3 of this rule; or
    - (3) shall meet the following minimum requirements:
      - (A) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered or as-burned sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.
      - (B) Coal shall be sampled at least three (3) times per day and at least one (1) time per eight (8) hour period unless no coal is bunkered during the preceding eight (8) hour period.
      - (C) Minimum sample size shall be five hundred (500) grams.
      - (D) Samples shall be composited and analyzed at the end of each calendar month.
  - (c) Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86\*, "Standard Method of Preparing Coal Samples for Analysis". The preparation of samples shall meet the following requirements:
    - (1) Samples shall be prepared in accordance with ASTM D2013-86\*, Procedure A or Procedure B.
    - (2) Sample preparation shall be checked at weekly intervals by performing a split sample of the twenty-four (24) hour composite sample and preparing and analyzing these two (2) identically.
    - (d) The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-95\*, "Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter", or ASTM D3286-91A\*, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isothermal Jacket Bomb Calorimeter". Restandardization requirements in Section 11 of both methods shall be followed. Precision requirements for repeatability shall be verified according to Section 16.1.1 of both methods at a minimum of once per week.
  - (e) The sulfur content of coal samples shall be determined according to procedures specified in ASTM D3177-89\*, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-94\*, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods". Precision requirements for repeatability shall be verified according to ASTM D3177-89\*, Section 13, or ASTM D4239-94\*, Section 18, at a minimum of one (1) time per week. The laboratory that performs the analysis shall participate in an interlaboratory audit program using coal samples supplied by the department.
  - (f) Compliance with this section is required unless a source owner or operator demonstrates to the department that modifications to the coal sampling and analysis procedures at a source are necessary to meet the requirements of this section.
- \*Copies of the American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, (610) 832-9585 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana

46206-6015. (*Air Pollution Control Board; 326 IAC 3-7-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2075; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 3-7-3 Alternative coal sampling and analysis methods**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. (a) As an alternative to the coal sampling and analysis procedures in section 2 of this rule, a source owner or operator may use manual or other non-ASTM automatic sampling and analysis procedures upon a demonstration, submitted to the department for approval, that such procedures provide sulfur dioxide emission estimates representative either of estimates based on coal sampling and analysis procedures specified in section 2 of this rule or of continuous emissions monitoring. The demonstration shall consist of one (1) or more of the following methods:

(1) A source owner or operator may submit documentation of procedures and results of a stopped-belt bias test or other comparisons between a sampling system meeting the requirements of section 2 of this rule and those methods and procedures proposed by the source owner or operator. A stopped-belt bias test and a sampling system meeting the requirements of section 2 of this rule shall be considered reference method systems. A comparison shall utilize a series of at least twenty-five (25) reference method system samples paired with nonreference method system samples and analyzed for the percent of sulfur content to determine the presence of significant systemic error. The detection of significant systemic error shall be based on the application of a statistical test (t-test) to determine if there is a difference between the reference and nonreference systems at the ninety-five percent (95%) confidence level, according to the following formula:

$$t = \frac{d\sqrt{n}}{Sd}$$

Where: t = Calculated t value.

d = Average difference between paired data.

Sd = Standard deviation of the differences.

N = Number of paired data sets.

The calculated t value is compared to the t value in the standard statistical t tables at the ninety-five percent (95%) probability and the appropriate degrees of freedom (n - 1). If the calculated t value is greater than or equal to the value of t in the t table, then the systems are not comparable. Certain coals with low variability may detect a small bias, which may be acceptable as decided on a case-by-case basis. This method tests for positive and negative bias. Provisions for testing only for a negative bias that would cause a source to report less than actual values may be acceptable if supported by statistical tests. Upon request, the department shall provide written guidance to a source owner or operator as to the procedures to be followed in conducting this comparison.

(2) Other procedures may be acceptable if submitted to the department for approval and the department approves.

(b) The demonstration provided in subsection (a) shall be repeated upon any significant change to the coal sampling procedures or upon notification by the department that a new demonstration is necessary. If the department has reason to doubt that the alternative sampling and analysis procedures are comparable to methods and procedures provided in section 2 of this rule, based on inspections, monitoring, quality assurance data, or other information, the department may notify the owner or operator that the demonstration shall be repeated. Written notification by the department of the request shall be made to the source owner or operator allowing at least sixty (60) days to schedule the demonstration. (*Air Pollution Control Board; 326 IAC 3-7-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2077; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 3-7-4 Fuel oil sampling; analysis methods**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) Sampling and analysis of the sulfur content of fuel oil shall be performed in accordance with the following ASTM procedures:

(1) Collection of fuel oil samples shall be conducted according to either of the following:

- (A) ASTM D4057-88\*, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products".
- (B) ASTM D4177-82\*, "Standard Method for Automatic Sampling of Petroleum and Petroleum Products".
- (2) Determination of sulfur content shall be conducted according to any of the following:
  - (A) ASTM D129-95\*, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)".
  - (B) ASTM D1266-91\*, "Standard Test Method for Sulfur in Petroleum Products (Lamp Method)".
  - (C) ASTM D1552-95\*, "Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)".
  - (D) ASTM D2622-94\*, "Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Method)".
- (3) Determination of heat content shall be conducted according to ASTM D240-92\*, "Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter".
- (b) An owner or operator may, with the prior approval of the department, modify the procedures specified in subsection (a), use alternate equivalent procedures, or rely upon equivalent sampling and analysis procedures performed by the vendor prior to delivery of the fuel oil to the owner or operator.

\*Copies of the American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, (610) 832-9585 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-7-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2077; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 3-7-5 Record keeping requirements; standard operating procedures**

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

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Owners or operators of sources with total coal-fired capacity greater than or equal to one hundred (100) million British thermal units per hour actual heat input shall develop a standard operating procedure (SOP) to be followed for sampling, handling, analysis, quality control, quality assurance, and data reporting of the information collected pursuant to sections 2 through 4 of this rule. In addition, any revision to the SOP shall be submitted to the department.

(b) The owner or operator shall maintain records sufficient to verify compliance with the procedures specified in sections 2 through 4 of this rule. Records shall be maintained for a period of five (5) years and shall be made available upon request by the department. The department may at any time perform a systems audit to determine compliance with the requirements in sections 2 through 4 of this rule. Audit procedures shall be submitted to the owner or operator of a fuel sampling and analysis system subject to audit prior to conducting such audit. (*Air Pollution Control Board; 326 IAC 3-7-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **ARTICLE 4. BURNING REGULATIONS**

### **Rule 1. Open Burning**

#### **326 IAC 4-1-0.5 Definitions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9; IC 36-9-27-2

Sec. 0.5. Unless otherwise stated, the following definitions apply to this rule:

- (1) "Adequate fire fighting equipment" means equipment sufficient and appropriate under the circumstances to extinguish the fire.
- (2) "Clean petroleum products" means an uncontaminated, refined petroleum product, such as kerosene or diesel fuel, not previously used in any application.
- (3) "Clean wood products" means wood products, including vegetation, that are not coated with stain, paint, glue, or other coating material.
- (4) "Drainage ditch" shall have the meaning of regulated drain or open drain under IC 36-9-27-2.
- (5) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:



- (A) A tornado.
- (B) High winds.
- (C) An earthquake.
- (D) An explosion.
- (E) A hail storm, a rain storm, or an ice storm.

(6) "Open burn" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

(7) "Open burning approval" means an authorization allowing an activity that otherwise is not exempt or allowed by law.

*(Air Pollution Control Board; 326 IAC 4-1-0.5; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 4-1-1 Scope**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9-3

Sec. 1. The requirements of this rule establish standards for open burning that would result in emissions of regulated pollutants. This rule applies to all open burning except for the following:

(1) Open burning by and at a source that has obtained a registration or permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8 that specifically regulates the open burning to be performed by and at the source. This rule does apply to open burning not addressed in such a registration or permit, or if the registration or permit requires compliance with this rule.

(2) Except as provided in IC 13-17-9-3, where open burning allowed under this rule is prohibited by other state or local laws, regulations, or ordinances.

*(Air Pollution Control Board; 326 IAC 4-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2419; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3340; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1067; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 4-1-2 Prohibition against open burning**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 2. Open burning is prohibited except as allowed in this rule. The department encourages alternatives to open burning, such as sale or reuse. *(Air Pollution Control Board; 326 IAC 4-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2419; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1126; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3341; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 4-1-3 Exemptions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 3. (a) IC 13-1-1.2 [*IC 13-1-1.2 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.*] exempts certain types of open burning for maintenance purposes listed as follows:

(1) A person may open burn the following:

(A) Vegetation from:

- (i) a farm;
- (ii) an orchard;
- (iii) a nursery;
- (iv) a tree farm; or
- (v) a drainage ditch.

(B) Wood products derived from pruning or clearing a roadside by a county highway department.

(C) Wood products derived from the initial clearing of a public utility right-of-way so long as the open burn occurs in an unincorporated area.

(D) Undesirable:

- (i) wood structures on real property; or
  - (ii) wood remnants of the demolition of a predominantly wooden structure originally located on real property; located in an unincorporated area.
- (E) Clean petroleum products for the purpose of maintaining or repairing railroad tracks, including the railroad rights-of-way, but not including railroad ties.
- (2) All open burning that is allowed under this subsection must comply with the following conditions:
  - (A) A person who open burns shall extinguish the fire if the fire creates a nuisance or fire hazard.
  - (B) Burning may not be conducted during unfavorable meteorological conditions such as:
    - (i) high winds;
    - (ii) temperature inversions; or
    - (iii) air stagnation.
  - (C) All fires must be attended at all times during burning until completely extinguished.
  - (D) All asbestos-containing materials must be removed before the burning of a structure.
  - (E) Asbestos containing materials may not be burned.
- (b) The types of fires identified in subsection (c) are allowed under this rule. Unless specified otherwise, the following conditions apply to any fire allowed by this subsection:
  - (1) Fires must be attended at all times and until completely extinguished.
  - (2) If at any time a fire creates:
    - (A) a pollution problem;
    - (B) a threat to public health;
    - (C) a nuisance; or
    - (D) a fire hazard;it shall be extinguished.
  - (3) No burning shall be conducted during unfavorable meteorological conditions such as:
    - (A) high winds, temperature inversions, or air stagnation; or
    - (B) when a pollution alert or ozone action day has been declared.
  - (4) All burning shall comply with other federal, state, and local laws, rules, and ordinances.
  - (5) Adequate firefighting equipment shall be on-site for extinguishing purposes during burning times.
  - (6) Burning shall be conducted during daylight hours only, and all fires shall be extinguished prior to sunset.
- (c) The following types of fires are allowed:
  - (1) Recreational or ceremonial fires, such as fires for scouting activities, and fires used for cooking purposes, such as camp fires, subject to the conditions in subsection (b)(1) through (b)(5) and the following conditions:
    - (A) Only clean wood products, paper, charcoal, or clean petroleum products may be burned.
    - (B) The local fire department and health department must be notified at least twenty-four (24) hours prior to any burning where the size of the pile being burned is more than one hundred twenty-five (125) cubic feet.
    - (C) Fires shall not be ignited prior to two (2) hours before the recreational activity is to take place and shall be extinguished upon conclusion of the activity.
    - (D) The pile to be burned shall be less than or equal to one thousand (1,000) cubic feet and only one (1) pile may be burned at a time.
    - (E) The fires shall not be used for disposal purposes.
    - (F) Fires shall not take place within five hundred (500) feet of any fuel storage area or pipeline.
  - (2) Private residential burning, where the building contains four (4) or fewer dwelling units. Burning is prohibited in apartment and condominium complexes and mobile home parks. Beginning June 23, 1995, residential open burning is prohibited in the counties listed in section 4.1(c) of this rule. Burning shall be subject to the conditions in subsection (b) and the following conditions:
    - (A) Burning shall be in a noncombustible container that is:
      - (i) sufficiently vented to induce adequate primary combustion; and
      - (ii) has enclosed sides and a bottom.
    - (B) Only clean wood products and paper may be burned.
  - (3) Waste oil burning where waste oil originates from spillage during testing of an oil well and has been collected in a properly constructed and located burn off pit as prescribed in 310 IAC 7-1-37(a) *[310 IAC 7 was repealed filed Feb 23, 1998,*

11:30 a.m.: 21 IR 2354.] in the department of natural resources (DNR) rules, oil and gas operations. Burning shall be subject to the conditions in subsection (b) and the following conditions:

(A) Each oil pit may be burned once every two (2) months.

(B) The fire must be extinguished within thirty (30) minutes of ignition.

(4) DNR burning, to facilitate prescribed burning on DNR-controlled properties for wildlife habitat maintenance, forestry purposes, natural area management, and firefighting or prevention; United States Department of the Interior burning, to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore, for example; and United States Department of Agriculture, Forest Service burning, to facilitate wildlife habitat maintenance, forestry purposes, natural area management, ecosystem management, and fire-fighting or prevention. Burning, shall be subject to conditions in subsection (b)(1) through (b)(5) and the following conditions:

(A) If the fire creates a nuisance, fire hazard, or pollution problem, it shall be extinguished.

(B) No burning shall be conducted during unfavorable meteorological conditions, such as high winds, temperature inversions, or air stagnation or when a pollution alert or ozone action day has been declared.

(C) Only vegetation and clean petroleum products may be burned.

Burning by the U.S. Forest Service for firefighting or prevention is not subject to the conditions in subsection (b) or this subdivision.

(5) Burning of marijuana by federal, state, and local law enforcement offices. Burning shall be subject to the conditions in subsection (b) and only clean petroleum products shall be used for ignition purposes.

(6) Burning, for the purpose of heating, using clean wood products or paper in a noncombustible container that is sufficiently vented to induce adequate primary combustion, and has enclosed sides and a bottom. Burning shall be subject to the conditions in subsection (b)(1) through (b)(5) and the following conditions:

(A) Burning shall only occur between October 1 and May 15.

(B) Burning shall not be conducted for the purpose of disposal.

(7) Burning of vegetation by fire departments and firefighters to create fire breaks for purposes of extinguishing an existing fire. Such burning is not subject to the conditions in subsection (b).

(8) Burning of clean petroleum products for fire extinguisher training, subject to the conditions in subsection (b) and the following conditions:

(A) The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.

(B) All burning shall take place in a noncombustible container or enclosure, enclosed on all sides with a bottom.

(C) A total of no more than fourteen (14) gallons of fuel may be burned per day.

(D) Only one (1) fire may be allowed to burn at a time.

(E) All burning shall be conducted in such a manner so as to prevent any possibility of soil contamination.

*(Air Pollution Control Board; 326 IAC 4-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2419; filed May 24, 1995, 10:00 a.m.: 18 IR 2408; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3341; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

#### **326 IAC 4-1-4 Emergency burning**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 4. Emergency burning with prior oral approval of the commissioner or the commissioner's designated agent may be authorized for the following:

(1) spilled or escaping liquid or gaseous petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire or health hazard or air or water pollution problem; or

(2) clean wood waste, vegetation, or deceased animals resulting from a natural disaster where failure to burn would result in an imminent health or safety hazard.

The commissioner or the commissioner's designated agent shall issue a written approval within seven (7) days of the oral approval. The written approval shall contain any conditions on emergency burning that the commissioner established in the oral approval. *(Air Pollution Control Board; 326 IAC 4-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2420; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3343; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 4-1-4.1 Open burning approval; criteria and conditions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 4-21.5; IC 13-12; IC 13-17-9

Sec. 4.1. (a) Burning not exempted by section 3 or 4 of this rule may be authorized by the issuance of an approval by the commissioner or the commissioner's designated agent after consideration of an approval application. Such burning may be authorized for, but not limited to, the following:

- (1) Burning for the purpose of fire training.
- (2) Burning of natural growth derived from a clearing operation, such as removal of natural growth for change in use of the land.
- (3) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is hazardous.
- (4) Burning of clean wood products.
- (5) Burning of natural growth for the purpose of land management.
- (b) The following criteria may be considered for approval under this section:
  - (1) The applicant has demonstrated that alternative methods for disposal are impractical or prohibitively expensive.
  - (2) There are not more than five (5) residences or structures within five hundred (500) feet of the proposed burning site.
  - (3) There have been no open burning violations at the site of the proposed burning or by the applicant.
  - (4) If the application involves a structure for fire training, the structure has not been demolished prior to training activities.
  - (5) The burning site is located in a county not designated as a nonattainment area for PM<sub>10</sub> or ozone. The commissioner or the commissioner's agent may allow open burning in such nonattainment areas, subject to conditions necessary to protect air quality.
- (c) No approval shall be granted at any time for residential burning in Clark, Floyd, Lake, or Porter County.
- (d) Any approval shall be subject to the following conditions unless otherwise stipulated in the open burning approval letter:
  - (1) Only clean wood products shall be burned.
  - (2) No asbestos-containing material shall be burned.
  - (3) No burning shall be conducted during unfavorable meteorological conditions, such as:
    - (A) high winds, temperature inversions, or air stagnation; or
    - (B) when a pollution alert or ozone action day has been declared.
  - (4) Burning shall be conducted during daylight hours only and all fires shall be extinguished prior to sunset.
  - (5) If at any time the fire creates:
    - (A) an air pollution problem;
    - (B) a threat to public health;
    - (C) a nuisance; or
    - (D) a fire hazard;
 the burning shall be extinguished.
- (6) The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.
- (7) The approval letter shall be made available at the burning site to state and local officials upon request except during emergency burning.
- (8) Adequate fire fighting equipment shall be on-site for extinguishing purposes during burning times.
- (9) No burning shall take place within:
  - (A) one hundred (100) feet of any structure or powerline; or
  - (B) three hundred (300) feet of a frequently traveled road, fuel storage area, or pipeline.
- (10) Fires must be attended at all times until completely extinguished.
- (11) All burning must comply with other federal, state, or local laws, regulations, or ordinances, including 40 CFR 61 Subpart M\* (National Emissions Standards for Asbestos).
- (12) No waste that is regularly generated as a result of a routine business operation shall be burned.
- (13) The material to be burned shall not exceed one thousand (1,000) cubic feet.
- (e) An approval letter shall be valid for no longer than one (1) year from the date of issuance. However, an approval letter may be valid for as long as five (5) years if the approval application is accompanied by an open burning plan. The plan shall:

- (1) contain a description of the open burning proposed for the period of time for which an approval letter is sought; and
- (2) be incorporated as a condition of the approval letter under subsection (d) or (f).

Any change in the plan must receive an additional approval letter, unless the change is to reduce open burning, or the change is to conduct burning exempted under section 3 of this rule. The plan shall be available for review upon the request by the department.

(f) The commissioner or the commissioner's designated agent may add conditions to an approval letter, as necessary, to prevent a public nuisance or protect the public health or the environment. Such conditions may be based on local air quality conditions, including whether the area is a nonattainment county as defined in 326 IAC 1-4-1 or has been redesignated from nonattainment to attainment status.

(g) A decision on the open burning approval letter is subject to IC 4-21.5 (Administrative Orders and Procedures Act). (*Air Pollution Control Board; 326 IAC 4-1-4.1; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3343; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 4-1-4.2 Open burning; approval revocation**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 4.2. The commissioner or the commissioner's designated agent may revoke an approval letter if the applicant:

- (1) violates any requirement of section 4.1(d) of this rule;
- (2) violates any condition added to the approval letter under section 4.1(f) of this rule; or
- (3) falsifies information on an application for an approval.

(*Air Pollution Control Board; 326 IAC 4-1-4.2; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3344; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 4-1-4.3 Open burning approval; delegation of authority**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 4-21.5; IC 13-12; IC 13-17-9

Sec. 4.3. The commissioner may delegate the authority to issue open burning approval letters in accordance with this section to a local health department, fire department, solid waste management district, or other agency upon a demonstration that the agency:

- (1) has the necessary legal authority and resources to implement an approval program that is at least as protective of the public health, welfare, and the environment as the provisions of this rule; and
- (2) commits to implement the program described in subdivision (1) and to follow the public notification procedures of IC 4-21.5 in the issuance of approval letters.

The commissioner may establish conditions for the delegation and may revoke any such delegation if the commissioner determines that any condition has not been satisfied or the circumstances under which the delegation was issued have changed. (*Air Pollution Control Board; 326 IAC 4-1-4.3; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3344; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 4-1-5 Liability for fire**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 5. Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this rule (326 IAC 4-1) on the basis that said fire was set by vandals, accidental, or an act of God. (*Air Pollution Control Board; 326 IAC 4-1-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2420; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 4-1-6 Air curtain destructors; approval; exemptions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 6. (a) An owner or operator of an air curtain destructor as defined in 326 IAC 1-2-2.5 shall submit an application to the

department to obtain a letter of approval from the commissioner or the commissioner's designated agent prior to its installation or operation at a new site. The owner or operator:

- (1) shall not operate the air curtain destructor unless the owner or operator holds a valid letter of approval; and
- (2) shall maintain the letter of approval at the air curtain destructor site at all times for verification by state or local officials.

(b) Burning exempted under section 3 of this rule does not require a letter of approval from the commissioner under this section. However, the burning shall comply with the conditions set forth in section 7 of this rule. (*Air Pollution Control Board; 326 IAC 4-1-6; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1126; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3345; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 4-1-7 Air curtain destructors; approval conditions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 4-21.5; IC 13-12; IC 13-17-9

Sec. 7. (a) To obtain an air curtain destructor letter of approval, the owner or operator shall ensure that installation and operation of such air curtain destructor will comply with subdivisions (1) through (22) as follows. Burning shall be terminated immediately at any air curtain destructor site that does not comply with this section.

- (1) Only untreated wood products shall be burned, except for minimal amounts of uncontaminated petroleum products that may be used for ignition.
- (2) Burning shall not be conducted during unfavorable meteorological conditions, such as high winds or air stagnation or when a pollution alert or ozone action day has been declared.
- (3) The air curtain destructor shall not be operated prior to one (1) hour after official sunrise, the fire shall not be fed after two (2) hours before official sunset, the fire must be completely extinguished by official sunset, and at least one (1) foot of dirt must be placed over the ashes in the pit by official sunset.
- (4) An air curtain destructor site shall be located no less than two hundred fifty (250) feet from any private residence, public roadway, power line, or structure, and no less than five hundred (500) feet from any pipeline or fuel storage area.
- (5) An air curtain destructor site shall not be located within one thousand (1,000) feet of a solid waste land disposal facility as defined in 329 IAC 10-2-176 or transfer station as defined in 329 IAC 11-2-47.
- (6) An air curtain destructor shall not be permanently located at any site.
- (7) An air curtain destructor shall be attended at all times while burning and until combustion is complete. Adequate firefighting equipment shall be maintained at an air curtain destructor site at all times during operation.
- (8) Burning shall not create or contribute to:
  - (A) an air pollution problem;
  - (B) a nuisance; or
  - (C) a fire hazard.
- (9) An air curtain destructor and pit shall be maintained and operated according to the manufacturer's specifications and recommendations.
- (10) The fan blades of the air curtain destructor shall be regularly cleaned to reduce buildup of dirt and debris.
- (11) All canisters must be properly aligned, connected, and maintained so as to prevent leaks between adjacent canisters.
- (12) The nozzles must be maintained in good working condition. The minimum average velocity at the nozzle must be nine thousand fifty (9,050) feet per minute, and the air flow at the nozzle must be a minimum of seven hundred fifty (750) cubic feet per minute per foot of length.
- (13) The engine running the air curtain destructor fan must be maintained in proper working condition.
- (14) The width of the pit shall not extend beyond the length of the nozzle action.
- (15) The distance from the air curtain destructor to the opposite wall of the pit shall not exceed ten (10) feet.
- (16) The depth of the pit shall be of such distance to allow all burning material to be below the curtain of air created by the air curtain destructor.
- (17) All nozzles shall be aligned and directed toward the opposite wall so that the air strikes the opposite wall at least three (3) feet below the grade upon which the air curtain destructor is located so that the air tumbles in the pit.
- (18) The air curtain destructor shall not be at a higher elevation than the elevation of the opposite wall.
- (19) The pit shall be enclosed on four (4) sides, and the walls shall be perpendicular to level ground.
- (20) Material being loaded into the pit shall be picked up and dropped into the pit, and at no time shall the material protrude

through the curtain of air while burning.

(21) The approval letter shall be made available at the burning site to state or local officials upon request.

(22) The owner or operator of an air curtain destructor shall provide twenty-four (24) hour notification in advance to the local fire department and the local health department of the dates and times that the air curtain destructor will be in operation.

(b) An air curtain destructor letter of approval shall be valid for no longer than one (1) year.

(c) The commissioner or the commissioner's designated agent may add conditions to an air curtain destructor letter of approval as necessary to prevent a public nuisance or protect the public health.

(d) A decision on the air curtain destructor letter of approval is subject to IC 4-21.5 (Administrative Orders and Procedures Act (AOPA)). (*Air Pollution Control Board; 326 IAC 4-1-7; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3345; errata filed Oct 3, 2000, 2:31 p.m.: 24 IR 381; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 4-1-8 Air curtain destructors; approval revocation**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12; IC 13-17-9

Sec. 8. The commissioner or the commissioner's designated agent may revoke an air curtain destructor letter of approval if the owner or operator:

(1) violates any requirement of section 7(a) of this rule;

(2) violates any condition added to the letter of approval under section 7(c) of this rule;

(3) violates any other state or local rule or ordinance pertaining to the installation or operator [*sic.*] of air curtain destructors;

(4) falsifies information on an application for a letter of approval; or

(5) operates an air curtain destructor in a manner that is hazardous to the public health.

(*Air Pollution Control Board; 326 IAC 4-1-8; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3346; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 2. Incinerators**

**326 IAC 4-2-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule establishes standards for the use of incinerators which emit regulated pollutants. This rule does not apply to incinerators in residential units consisting of four (4) or fewer families. All other incinerators are subject to this rule. (*Air Pollution Control Board; 326 IAC 4-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2420; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1597*)

**326 IAC 4-2-2 Incinerators**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 2. All incinerators shall:

(1) consist of primary and secondary chambers or the equivalent;

(2) be equipped with a primary burner unless burning wood products;

(3) comply with 326 IAC 5-1 and 326 IAC 2;

(4) be maintained properly as specified by the manufacturer and approved by the commissioner;

(5) be operated according to the manufacturer's recommendations and only burn waste approved by the commissioner;

(6) comply with other state and/or local rules or ordinances regarding installation and operation of incinerators;

(7) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;

(8) not emit particulate matter in excess of:

(A) incinerators with a maximum refuse-burning capacity of two hundred (200) or more pounds per hour: three-tenths

(0.3) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or

(B) all other incinerators: five-tenths (0.5) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; and

(9) not create a nuisance or a fire hazard.

If any of the above result, the burning shall be terminated immediately. (*Air Pollution Control Board; 326 IAC 4-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127*)

### **326 IAC 4-2-3 Portable incinerators (Repealed)**

Sec. 3. (*Repealed by Air Pollution Control Board; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1128*)

## **ARTICLE 5. OPACITY REGULATIONS**

### **Rule 1. Opacity Limitations**

#### **326 IAC 5-1-1 Applicability**

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

Affected: IC 13-11; IC 13-17

Sec. 1. (a) This rule applies to opacity, not including condensed water vapor, emitted by or from a facility or source. The limitations set forth in section 2 of this rule shall not apply to facilities for which specific opacity limitations have been established in 326 IAC 6, 326 IAC 11, or 326 IAC 12.

(b) Section 2(1) of this rule applies to sources or facilities located in areas not listed in this section.

(c) Section 2(2) of this rule applies to sources or facilities located in the following areas:

(1) Clark County, Jeffersonville Township.

(2) Dearborn County, Lawrenceburg Township.

(3) Dubois County, Bainbridge Township.

(4) Lake County, an area bounded on the north by Lake Michigan, on the west by the Indiana-Illinois state line, on the south by U.S. 30 from the state line to the intersection of I-65 to the intersection of I-94 then following I-94 to the Lake-Porter county line, and on the east by the Lake-Porter county line.

(5) Marion County, except the area of Washington Township east of Fall Creek and the area of Franklin Township south of Thompson Road and east of Five Points Road.

(6) St. Joseph County, the area north of Kern Road and east of Pine Road.

(7) Vanderburgh County, the area included in the city of Evansville and Pigeon Township.

(8) Vigo County, the area within a five-tenths (0.5) kilometer radius circle centered at UTM Coordinates Zone 16 East four hundred sixty-four and fifty-two hundredths (464.52) kilometers North four thousand three hundred sixty-nine and twenty-one hundredths (4,369.21) kilometers.

(*Air Pollution Control Board; 326 IAC 5-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed May 12, 1993, 11:30 a.m.: 16 IR 2364; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3049; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Oct 9, 1998, 3:56 p.m.: 22 IR 426; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1597*)

#### **326 IAC 5-1-2 Opacity limitations**

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

Affected: IC 13-11; IC 13-17

Sec. 2. Opacity from a source or facility shall not exceed any of the following limitations, and, unless otherwise stated, opacity levels shall be observed in accordance with the procedures set forth in section 4 of this rule:

(1) Sources or facilities of opacity located in areas not listed in section 1(c) of this rule shall meet the following limitations:

(A) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period.

(B) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60)



readings as measured according to 40 CFR 60, Appendix A, Method 9\* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

- (2) Sources or facilities of opacity located in the areas listed in section 1(c) of this rule shall meet the following limitations:
  - (A) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period.
  - (B) Opacity from a facility located in Lake County shall not exceed an average of twenty percent (20%) in any one (1) six (6) minute averaging period unless otherwise specified in 326 IAC 6-1-10.1. This opacity limit shall supersede the opacity limit contained in clause (A).
  - (C) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9\* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.
- (3) Opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period. Effective May 1, 1999, opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of twenty-five percent (25%) in any one (1) six (6) minute averaging period.
- (4) Sources and facilities of opacity, for which an alternate opacity limitation has been established under section 5(b) of this rule, shall comply with the limitations in section 5(b) of this rule instead of the limitations in subdivisions (1) and (2).

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 5-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed May 12, 1993, 11:30 a.m.: 16 IR 2364; filed Jun 15, 1995, 1:00 p.m.: 18 IR 2727; errata filed Jul 6, 1995, 5:00 p.m.: 18 IR 2795; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3049; filed Oct 9, 1998, 3:56 p.m.: 22 IR 427)

**326 IAC 5-1-3 Temporary alternative opacity limitations**

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

Affected: IC 13-11; IC 13-17

Sec. 3. (a) The following applies, except as otherwise provided in subsections (c) through (e). When building a new fire in a boiler, or shutting down a boiler, opacity may exceed the applicable limit established in section 2 of this rule; however, opacity levels shall not exceed sixty percent (60%) for any six (6) minute averaging period. Opacity in excess of the applicable limit established in section 2 of this rule shall not continue for more than two (2) six (6) minute averaging periods in any twenty-four (24) hour period.

(b) The following applies, except as otherwise provided in subsections (c) through (e). When removing ashes from the fuel bed or furnace in a boiler or blowing tubes, opacity may exceed the applicable opacity limit established in section 2 of this rule; however, opacity shall not exceed sixty percent (60%) for any six (6) minute averaging period and opacity in excess of the applicable limit shall not continue for more than one (1) six (6) minute averaging period in any sixty (60) minute period. The averaging periods shall not be permitted for more than three (3) six (6) minute averaging periods in a twelve (12) hour period.

(c) For sources that are not boilers and are not located in Lake County, the commissioner may grant the same temporary alternative opacity limitation with the same opacity level and duration as is granted to boilers under subsection (a) or (b) provided that the facility proves to the satisfaction of the commissioner that the temporary alternative opacity limitation is needed and that during periods of startup and shutdown or when removing ashes or blowing tubes, owners and operators shall, to the extent practicable, maintain and operate an affected facility, including air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used shall be based on information provided to the commissioner upon request, which may include, but is not limited to, the following:

- (1) Monitoring results.
- (2) Opacity observations.
- (3) Review of operating and maintenance procedures.
- (4) Inspection of the source.

The commissioner may require a source to install a certified opacity emissions monitor, where technically feasible, operate the certified opacity emissions monitor in accordance with procedures specified in 326 IAC 3, and maintain other records needed to

verify compliance with the temporary alternative opacity limitation.

(d) For sources or facilities that cannot meet the alternative opacity limitation requirements of subsection (a), (b), or (c), the commissioner may grant a temporary alternative opacity limitation of longer duration and greater opacity than provided under subsections (a) and (b) under this subsection in accordance with the following:

- (1) The source or facility burns the following fuels alone or in combination with each other or with any other fossil fuel:
  - (A) Coal.
  - (B) Wood.
  - (C) #4, #5, or #6 fuel oil.
  - (D) Tire-derived fuel.
  - (E) Petroleum coke.

The commissioner may approve a temporary alternative opacity limitation based on the combustion of other types of fuels as long as the source demonstrates that the combustion of the fuel is necessary, alternative fuels are not available or cost-efficient, and the fuels are identified in the submittal to the U.S. EPA required under section 7 of this rule.

(2) The source or facility owner or operator demonstrates that the temporary alternative opacity limitation is needed and justifiable during periods of startup and shutdown or when removing ashes from the fuel bed or furnace in a boiler or blowing tubes by providing a written petition that does the following:

- (A) Requests a state implementation plan (SIP) revision to establish a temporary alternative opacity limitation under this subsection. Sources subject to 326 IAC 2-7 or 326 IAC 2-8 shall include the petition for a SIP revision with the initial permit application, permit revision application, or permit renewal application.
- (B) Demonstrate that during periods of startup and shutdown, or when removing ashes from the fuel bed or furnace in a boiler or blowing tubes, the limits of subsections (a) through (c) cannot be met and that the owners and operators shall, to the extent practicable, maintain and operate an affected facility, including air pollution control equipment, in a manner consistent with good air pollution control practice by doing the following:
  - (i) Minimizing emissions.
  - (ii) Minimizing duration of startups and shutdowns.
  - (iii) Minimize the excess emissions caused by the startups and shutdowns.
- (C) Demonstrate that during periods of startup and shutdown the temporary alternative opacity limitation will not impact the maintenance of the National Ambient Air Quality Standards (NAAQS).
- (D) Demonstrate that during routine operations the source is in compliance with the applicable opacity limitation under section 2 of this rule.

(3) A determination of whether acceptable operating and maintenance procedures are being used shall be based on information provided to the commissioner. The information concerning emissions and operating procedures may include, but is not limited to, the following:

- (A) Monitoring results.
- (B) Opacity observations.
- (C) Review of operating and maintenance procedures.
- (D) Inspection of the source.

(4) As a condition of the temporary alternative opacity limitation, the commissioner may require a source to do the following:

- (A) Install a certified opacity emissions monitor. The requirement to install a certified opacity emissions monitor shall be based on, but not limited to, the type and size of the emission unit, the normal operating schedule, normal operating conditions, and the availability of alternative monitoring methods, and other relevant site-specific information.
- (B) Operate the certified opacity emissions monitor in accordance with procedures specified in 326 IAC 3.
- (C) Maintain other records needed to verify compliance with the temporary alternative opacity limitation.

(5) For sources required to install a continuous opacity monitor (COM) that do not have previous opacity monitor data, the temporary alternative opacity limitation shall be reviewed by the commissioner after two (2) years of monitoring. The duration of the temporary alternative opacity limitation may be adjusted based on the monitoring data.

(6) The commissioner shall reserve the authority to do the following:

- (A) Require a source that has been granted a temporary alternative opacity limit under this subsection to install a COM at a later date if it is determined the COM is necessary to demonstrate compliance with the temporary alternative opacity limit.
- (B) Deny a request for a temporary alternative opacity limit if economically and technically feasible means are available

to meet a limit that is less than the limit requested.

(7) The temporary alternative opacity limit established for a source shall be submitted to the U.S. EPA as a state implementation plan (SIP) revision in accordance with section 7 of this rule.

(e) Notwithstanding the provisions in subsections (a) through (d), this subsection applies to sources existing on the effective date of this rule located in counties other than Lake County. If, on the effective date of this rule, an existing source has different startup and shutdown conditions from those in subsection (a) or (b) in a valid operating permit, those conditions shall remain in effect until the department issues a final, effective Part 70 operating permit under 326 IAC 2-7 or a final, effective federally enforceable state operating permit under 326 IAC 2-8 for the source that does one (1) of the following:

- (1) Makes the startup and shutdown conditions consistent with subsection (a) or (b).
- (2) Incorporates startup and shutdown conditions that are at least as stringent as those conditions in the operating permit in effect as of the effective date of this rule. The conditions shall not be less stringent than the following:

(A) During the startup of the following equipment, burning fuels identified in subsection (d)(1):

(i) For equipment that is equipped with baghouses or electrostatic precipitators, the opacity limitation in section 2 of this rule shall not apply until the exhaust gases have achieved a temperature of two hundred fifty (250) degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators.

(ii) For equipment that is either uncontrolled or that is equipped solely with mechanical collectors (including mechanical collectors that are equipped with sidestream separators or similar devices) for the control of particulate emissions, the opacity limitation in section 2 of this rule shall not apply for a period of not more than three (3) hours from the moment of startup.

(B) During the shutdown of the following equipment, burning fuels identified in subsection (d)(1):

(i) For equipment that is equipped with baghouses or electrostatic precipitators, the opacity limitation in section 2 of this rule shall not apply after the exhaust gases have dropped below temperature of two hundred fifty (250) degrees Fahrenheit at the inlet of the baghouses or electrostatic precipitators.

(ii) For equipment that is either uncontrolled or that is equipped solely with mechanical collectors (including mechanical collectors that are equipped with sidestream separators or similar devices) for the control of particulate emissions, the opacity limitation in section 2 of this rule shall not apply for a period of not more than three (3) hours from the moment of shutdown.

The source shall include with a permit application, permit revision application, permit renewal application, or a supplement to such application, documentation including, but not limited to, historical opacity information during periods of startup and shutdown and other pertinent information and proposed permit conditions that limit the duration and extent of excess emissions to the greatest extent practicable. The commissioner shall incorporate permit conditions that are necessary for safe and proper operation of equipment and minimize the duration and extent of excess emissions. Such conditions shall require the source to keep records of times of startups, shutdowns, and ash removals and may be more stringent than the operating permit conditions in effect as of the effective date of this rule.

(3) Provides an alternative temporary opacity limit in accordance with subsection (d). If the source requests such an alternative temporary opacity limit, the source shall demonstrate that the alternative limit is needed and justifiable in accordance with subsection (d)(2) through (d)(7).

*(Air Pollution Control Board; 326 IAC 5-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2422; filed May 12, 1993, 11:30 a.m.: 16 IR 2365; filed Oct 9, 1998, 3:56 p.m.: 22 IR 428)*

**326 IAC 5-1-4 Compliance determination**

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

Affected: IC 13-11; IC 13-17

Sec. 4. (a) Determination of opacity from sources or facilities to which this rule applies shall be made in accordance with subdivision (1) or (2) as follows:

(1) Determination of opacity by means of visible emissions readings shall be made in accordance with 40 CFR 60, Appendix A, Method 9\*.

(2) For a source or facility in compliance with the requirements of 326 IAC 3-5, determination of compliance with visible emission limitations established in this rule may also be made in accordance with a source's or facility's continuous monitoring equipment if determined appropriate by the department or the U.S. EPA.

(b) This subsection applies in the event of a conflict between the opacity readings obtained under subsection (a)(1) and those obtained under subsection (a)(2) for the same time period. If the conflict occurs, the commissioner may require that the source perform an audit on the opacity monitoring system consistent with 326 IAC 3-5-2(7)(B). After reviewing the results of the audit, if performed, enforcement action may be taken based on the opacity readings obtained under subsection (a)(1) or the opacity readings obtained under subsection (a)(2). This does not preclude a source from using the opacity readings obtained under subsection (a)(2) or other relevant information to refute the findings of the commissioner.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2422; filed May 12, 1993, 11:30 a.m.: 16 IR 2365; filed Oct 9, 1998, 3:56 p.m.: 22 IR 430*)

**326 IAC 5-1-5    Violations**

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

Affected: IC 13-11; IC 13-17

Sec. 5. (a) Except as provided in section 4(b) of this rule, a violation of this rule shall constitute prima facie evidence of a violation of the applicable mass emission limitation. A violation of the mass emission rule may be refuted by a performance test conducted in accordance with 326 IAC 3-6. The test shall refute the mass emission violation only if the source is shown to be in compliance with the allowable mass emission limit. An exceedance of the allowable opacity emission limit during a performance test shall not be treated as a violation of the applicable mass emission limitation if, during the test described in 326 IAC 3-6, the source demonstrates compliance with the allowable mass emission limit while simultaneously having opacity more than or equal to the reading at which the exceedance was originally observed.

(b) If a source or facility believes it can operate in compliance with the applicable mass emission limitation, but exceeds the limits specified in section 2 of this rule, the owner or operator may submit a written petition to the commissioner requesting that an alternate opacity limitation (AOL) be established.

(1) The petition must be submitted to the commissioner, and a copy submitted to the local air pollution control agency, if applicable, no later than sixty (60) days prior to the scheduled performance test date. The petition must contain, contain, at a minimum, the following information:

- (A) Source name and address.
- (B) Address of affected source if different from clause (A).
- (C) List of potentially affected parties.
- (D) Identification of control device or devices and typical operating parameters.
- (E) Applicable particulate matter (PM or PM<sub>10</sub>) and opacity limits.
- (F) Other applicable rule requirements or permit conditions.
- (G) Proposed alternative opacity limit.
- (H) The reason or reasons for requesting the alternative opacity limit.
- (I) Complete test protocol in accordance with 326 IAC 3-6.

(2) The alternative opacity limit shall be based upon a series of three (3) complete mass emission tests (nine (9) sample runs) conducted according to the procedures specified in 326 IAC 3 and three (3) opacity tests conducted simultaneously, according to section 4 of this rule. Where the commissioner determines there is no acceptable test method available, a request for an alternative opacity limit shall be denied.

(3) The performance tests must be witnessed by the commissioner, U.S. EPA, the local air pollution control agency, or their authorized representatives unless other arrangements are made in advance of the start of the testing that will allow the testing to proceed without agency staff present to observe the tests.

(4) The owner or operator must demonstrate that the following conditions were met during the performance test:

- (A) The source or emissions unit was operated according to its permitted conditions and under normal or representative operating conditions.
- (B) The associated air pollution control system was installed and was being operated as specified in any applicable permit condition or conditions.
- (C) The air pollution control equipment was properly maintained and in good operating condition, and was operated

according to the manufacturer's recommended operating conditions to minimize emissions and opacity.

(D) The affected emissions unit and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity limit, except during:

- (i) periods when the control equipment is not operating properly; or
- (ii) other exempt periods under section 3 of this rule.

(E) Each test was conducted under reasonably similar operating conditions.

(F) Any other conditions as required by the commissioner or the U.S. EPA.

(5) The commissioner may require one (1) or more of the following:

- (A) The installation of a continuous opacity monitoring system that meets the requirements of 326 IAC 3.
- (B) Monitoring sufficient to demonstrate compliance with the alternative opacity limit.
- (C) Regular reporting to verify compliance with the alternative opacity limit.

(6) The alternative opacity limit shall only apply to the emissions unit for which the alternative opacity limit was originally established and shall not be extended to any other unit or units.

(7) For multiple units or processes with a common stack, all units must be in operation during the entire test series unless operational limitations are specified in the operation permit or simultaneous operation does not conform with the source's operating procedures.

(8) The alternative opacity limit shall be determined based on the results of the performance tests.

(9) The particulate matter test results for each sample run must demonstrate compliance with all applicable particulate matter limits or standards. If noncompliance is demonstrated during any sample run, the test series is not valid for an alternative opacity limit determination.

(10) The alternative opacity limit established for a source shall be incorporated by amendment into the source's operating permit and submitted to the U.S. EPA in accordance with section 7 of this rule.

(11) If the alternative opacity limit exceeds an applicable new source performance standard (NSPS) opacity limit, the provisions in 40 CFR 60.11\* must be satisfied in addition to the procedures in this rule. The procedures shall be approved by the U.S. EPA, the commissioner, and the local air pollution control agency as appropriate.

(c) Nothing in this rule shall be construed as allowing an exception or exemption from a requirement in a state or federal new source performance standard without approval by the U.S. EPA.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2423; filed May 12, 1993, 11:30 a.m.: 16 IR 2366; filed Oct 9, 1998, 3:56 p.m.: 22 IR 431*)

**326 IAC 5-1-6 Compliance schedule (Repealed)**

Sec. 6. (*Repealed by Air Pollution Control Board; filed May 12, 1993, 11:30 a.m.: 16 IR 2401*)

**326 IAC 5-1-7 State implementation plan revisions**

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

Affected: IC 13-11; IC 13-17

Sec. 7. Exemptions given or provisions granted by the commissioner in accordance with section 3(c), 3(d), or 5(b) of this rule shall be submitted to the U.S. EPA as a SIP revision and shall not become effective until approved as a SIP revision by the U.S. EPA. (*Air Pollution Control Board; 326 IAC 5-1-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Oct 9, 1998, 3:56 p.m.: 22 IR 432*)

**ARTICLE 6. PARTICULATE RULES**

**Rule 1. Nonattainment Area Limitations**

**326 IAC 6-1-1 Applicability**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsections (b) through (c), sources or facilities located in the counties of Clark, Dearborn, Dubois, Howard, Lake, Marion, St. Joseph, Vanderburgh, Vigo, or Wayne shall comply with:

- (1) the limitations in sections 8.1 through 18 of this rule, if the source or facility is specifically listed in sections 8.1 through 18 of this rule; or
- (2) the limitations of section 2 of this rule, if the source or facility is not specifically listed in sections 8.1 through 18 of this rule, but has the potential to emit one hundred (100) tons or more, has actual emissions of ten (10) tons or more, of particulate matter per year.

(b) Particulate limitations shall not be established for combustion units that burn only natural gas at sources or facilities identified in sections 8.1, 9, and 12 through 18 of this rule, as long as the units continue to burn only natural gas.

(c) If the limitations in sections 2 and 8.1 through 18 of this rule conflict with or are inconsistent with limitations established in 326 IAC 12, then the more stringent limitation shall apply. (*Air Pollution Control Board; 326 IAC 6-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1598; errata filed January 10, 2002, 4:08 p.m.: 25 IR 1644*)

**326 IAC 6-1-1.5 Definitions**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14  
 Affected: IC 13-15; IC 13-17

Sec. 1.5. (a) This section applies to the sources, facilities, and operations listed in this rule.

(b) The following definitions apply throughout this rule:

- (1) "Asphalt concrete plant" means a facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement.
- (2) "Existing source" means any source that has commenced construction or is in operation at the time of promulgation of this rule.
- (3) "Fuel combustion steam generator" means any furnace or boiler used in the process of burning solid, liquid, or gaseous fuel or any combination thereof for the purpose of producing steam by heat transfer.
- (4) "Glass container manufacturing" means any industry manufacturing containers from soda-silica-lime glass.
- (5) "Grain elevator" means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded.
- (6) "Mineral aggregate operation" means an operation involving mining, blasting and crushing, sizing, storing, and transporting of mineral materials.

(*Air Pollution Control Board; 326 IAC 6-1-1.5; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710*)

**326 IAC 6-1-2 Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14  
 Affected: IC 13-15; IC 13-17

Sec. 2. (a) Particulate matter emissions from facilities constructed after applicable dates in subsections (c) and (d) or not limited by subsections (b), (e), (f), or (g) shall not exceed seven-hundredths (0.07) gram per dry standard cubic meter (g/dscm) (three-hundredths (0.03) grain per dry standard cubic foot (dscf)).

(b) Fuel combustion steam generators are limited to the following particulate matter emissions limitations:

- (1) For solid fuel-fired generators:
  - (A) that have greater than sixty-three million (63,000,000) kilocalories (kcal) per hour heat input (two hundred fifty million (250,000,000) Btu), a particulate matter content of no greater than eighteen-hundredths (0.18) gram per million calories (one-tenth (0.10) pound per million Btu);
  - (B) that have equal to or greater than six million three hundred thousand (6,300,000) kcal per hour heat input, but less than or equal to sixty-three million (63,000,000) kcal per hour heat input (equal to or greater than twenty-five million

(25,000,000) Btu, but less than or equal to two hundred fifty million (250,000,000) Btu), a particulate matter content of no greater than sixty-three hundredths (0.63) gram per million calories (thirty-five hundredths (0.35) pound per million Btu); or

(C) that have less than six million three hundred thousand (6,300,000) kcal per hour heat input (twenty-five million (25,000,000) Btu), a particulate matter content of no greater than one and eight-hundredths (1.08) grams per million calories (six-tenths (0.6) pound per million Btu).

(2) For all liquid fuel-fired steam generators, a particulate matter content of no greater than twenty-seven hundredths (0.27) gram per million kcal (fifteen-hundredths (0.15) pound per million Btu).

(3) For all gaseous fuel-fired steam generators, a particulate matter content of no greater than one-hundredth (0.01) grain per dry standard cubic foot (dscf).

(c) Asphalt concrete plants in existence on or prior to June 11, 1973, and consisting of, but not limited to:

(1) driers;

(2) systems for screening, handling, storing, and weighing hot aggregate;

(3) systems for loading, transferring, and storing mineral filler;

(4) systems for mixing asphalt concrete; and

(5) the loading, transfer, and storage systems associated with emission control systems;

are limited to particulate matter emissions of no greater than two hundred thirty (230) mg per dscm (one-tenth (0.1) grain per dscf).

(d) The following are requirements for grain elevators:

(1) For grain elevators that began construction or modification prior to January 13, 1977, any grain storage elevator located at any grain processing source that has a permanent grain storage capacity of thirty-five thousand two hundred (35,200) cubic meters (one million (1,000,000) U.S. bushels) or more, and any grain terminal elevator that has a permanent grain storage capacity of eighty-eight thousand one hundred (88,100) cubic meters (two million five hundred thousand (2,500,000) U.S. bushels) or more shall be limited to particulate matter emissions of no greater than seven-hundredths (0.07) g/dscm (three-hundredths (0.03) grain per dscf).

(2) All grain elevators subject to this rule shall provide for housekeeping and maintenance procedures that minimize the opportunity for particulate matter to become airborne and leave the property, such as the following:

(A) Housekeeping practices shall be conducted as follows:

(i) Areas to be swept and maintained shall include at a minimum:

(AA) general grounds, yard, and other open areas;

(BB) floors, decks, hopper areas, loading areas, dust collectors, and all areas of dust or waste concentrations; and

(CC) grain driers with respect to accumulated particulate matter.

(ii) Cleanings and other collected waste material shall be handled and disposed of so that the area does not generate fugitive dust.

(iii) Dust from driveways, access roads, and other areas of travel shall be controlled.

(iv) Accidental spills and other accumulations shall be cleaned up as soon as possible but no later than completion of the day's operation.

(B) Equipment maintenance shall consist of procedures that eliminate or minimize emissions from equipment or a system caused by the following:

(i) Malfunctions.

(ii) Breakdowns.

(iii) Improper adjustment.

(iv) Operating above the rated or designed capacity.

(v) Not following designed operating specifications.

(vi) Lack of good preventive maintenance care.

(vii) Lack of critical and proper spare replacement parts on hand.

(viii) Lack of properly trained and experienced personnel.

(C) Emissions from the affected areas, operations, equipment, and systems shall not exceed twenty percent (20%) opacity as determined pursuant to 326 IAC 5-1.

(e) Gray iron foundries shall be limited to the following:

(1) Any cupola of a gray iron foundry shall be limited to particulate matter emissions of no greater than thirty-four hundredths

(0.34) g/dscm (fifteen-hundredths (0.15) grain/dscf).

(2) Any melting process, excluding any cupola, of a gray iron foundry shall be limited to particulate matter emissions of no greater than sixteen-hundredths (0.16) g/dscm (seven-hundredths (0.07) grain/dscf).

(f) Glass container manufacturing furnace operations shall be limited to particulate matter emissions of no greater than one (1.0) gram per two (2.0) kilograms of process material (one (1.0) pound per ton).

(g) Mineral aggregate operations, where the process is totally enclosed, shall comply with the requirements in subsection (a). In addition, 326 IAC 2, 326 IAC 5-1, and 326 IAC 6-4 shall apply in all cases to mineral aggregate operations.

(h) Based on modeling analyses available to the commissioner, where it is determined that the limitations in subsections (a) through (g) are not adequate to achieve and maintain the ambient particulate air quality standards established by 326 IAC 1-3, the limitations set forth in this section may be changed for facilities:

(1) having a significant impact on air quality and located in areas where the ambient particulate standard either is not attained or will not be maintained without emission limitations in addition to those set forth in this section; and

(2) required to comply with the prevention of significant deterioration requirements of 326 IAC 2. These limitations shall be established in construction and operation permits issued in accordance with the procedures set forth in 326 IAC 2.

(i) If the emission limitations established in subsections (a) through (g) for facilities that were operating or under construction on August 7, 1980, impose a severe economic hardship on any individual source, then the source may petition the commissioner for reconsideration of the limitations. If the source can demonstrate to the commissioner's satisfaction that a severe hardship will be caused if the applicable requirements in this section are enforced, then less restrictive emission limitations may be established by the commissioner, provided the less restrictive limitations will guarantee the attainment and maintenance of the particulate ambient air quality standards established by 326 IAC 1-3. (*Air Pollution Control Board; 326 IAC 6-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710*)

### **326 IAC 6-1-3 Nonattainment area particulate limitations; compliance determination**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 3. Testing to determine the amount of particulate matter emitted from any facility subject to the requirements of this rule shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5\*, or other procedures approved by the commissioner and U.S. EPA.

\*The following is incorporated by reference: 40 CFR 60, Appendix A, Methods 1-5. Copies may be obtained from the Government Printing Office, 732 North Capitol Street, Washington, D.C. 20401 and are available for review and copying at the Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Room 1001, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1110; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713*)

### **326 IAC 6-1-4 Compliance schedules**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 4. (a) Unless the commissioner has determined that a performance test is not required for a facility, the owner or operator of a source shall submit to the commissioner the results of a performance test, conducted in accordance with 326 IAC 6-1-3, demonstrating compliance with the emissions limitations established pursuant to this rule:

(1) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated; or

(2) not later than one hundred eighty (180) days after the initial startup of the facility;

except when different compliance dates are established in a permit.

(b) If the emission limit applicable to a source or facility is made more stringent by reason of amendments to this rule or by reason of amended permit requirements, then the source or facility shall achieve compliance as soon as practicable but not later than specified by the following schedule:

(1) Submittal of plans and specifications within six (6) months after:

(A) the date the source becomes subject to the terms in this section; or

(B) the effective date of the amended rule or permit imposing a stricter limit.



Whichever date is applicable to a particular source is hereafter referred to as the effective date.

- (2) Initiation of on-site construction or installation within twelve (12) months after the effective date.
- (3) Completion of on-site construction or installation within twenty-four (24) months after the effective date.
- (4) Achievement of compliance within twenty-eight (28) months after the effective date.
- (5) Submittal of performance results within thirty (30) months of the effective date.

*(Air Pollution Control Board; 326 IAC 6-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713)*

**326 IAC 6-1-5 Control strategies**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 5. (a) For existing sources, the following shall apply:

(1) Whenever emission limitations set forth in sections 8.1 through 18 of this rule are revised and established pursuant to 326 IAC 6-1-2(h) and 326 IAC 6-1-2(i) [section 2(h) and 2(i) of this rule], the revisions shall be submitted to U.S. EPA for approval as part of Indiana's state implementation plan (SIP).

(2) If a permit issued by the commissioner, pursuant to this rule, contains emission limitations more stringent than the limitations set forth in sections 8.1 through 18 of this rule, then the emission limitations set forth in the permit shall supersede and replace the corresponding limitations in sections 8.1 through 18 of this rule.

(b) For new sources, emission limitations and any revisions to emission limitations shall be established as conditions in permits.

(c) Upon issuance, the above permits shall be submitted to U.S. EPA for review, and the emission limitations contained in the permits shall be submitted as SIP revisions.

(d) In sections 8.1 through 18 of this rule, where there are two (2) emission limits listed for a particular source or facility, the source or facility shall be required to comply with both limits. *(Air Pollution Control Board; 326 IAC 6-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713)*

**326 IAC 6-1-6 State implementation plan revisions**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 6. Any exemptions given or provisions granted under this rule by the commissioner in sections 2(a), 2(g) through 2(i), 4, and 5 of this rule shall be submitted to U.S. EPA as revisions to the state implementation plan (SIP). *(Air Pollution Control Board; 326 IAC 6-1-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2428; filed Nov 8, 2001, 2:02 p.m.: 25 IR 714)*

**326 IAC 6-1-7 Scope**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 7. Sections 8.1 through 18 of this rule shall contain control strategies and emission limitations for particulate emissions from sources in counties listed as follows:

- 326 IAC 6-1-8.1 Dearborn County particulate matter emission limitations
- 326 IAC 6-1-9 Dubois County
- 326 IAC 6-1-10.1 Lake County PM<sub>10</sub> emission requirements
- 326 IAC 6-1-10.2 Lake County PM<sub>10</sub> coke battery emission requirements
- 326 IAC 6-1-11.1 Lake County particulate matter control requirements
- 326 IAC 6-1-11.2 Lake County particulate matter contingency measures
- 326 IAC 6-1-12 Marion County
- 326 IAC 6-1-13 Vigo County
- 326 IAC 6-1-14 Wayne County
- 326 IAC 6-1-15 Howard County
- 326 IAC 6-1-16 Vanderburgh County

326 IAC 6-1-17 Clark County

326 IAC 6-1-18 St. Joseph County

*(Air Pollution Control Board; 326 IAC 6-1-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2428; filed Jan 30, 1989, 5:00 p.m.: 12 IR 1380; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342)*

**326 IAC 6-1-8 Dearborn County (Repealed)**

*Sec. 8. (Repealed by Air Pollution Control Board; filed Jan 30, 1989, 5:00 p.m.: 12 IR 1382)*

**326 IAC 6-1-8.1 Dearborn County particulate matter emission limitations**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 8.1. (a) Sources and facilities shall comply with the requirements specified in subsections (b) through (i).

(b) Schenley Distillers, Inc., as follows:

(1) Particulate matter emissions from Boiler 1 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and seven (7) tons per year.

(2) Particulate matter emissions from Boiler 2 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and five and two-tenths (5.2) tons per year.

(3) Particulate matter emissions from Boiler 9 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and four and five-tenths (4.5) tons per year.

(c) Joseph E. Seagram and Sons, Inc., as follows:

(1) Boiler 5 shall burn only natural gas.

(2) Particulate matter emissions from Boiler 6 shall be limited to one hundred eighty-thousandths (0.180) pound per million British thermal units.

(3) Particulate matter emissions from Boiler 6 shall be limited to two hundred fourteen and two-tenths (214.2) tons per twelve (12) consecutive months period.

(4) Seagram shall maintain a log for Boiler 6 that contains fuel type used each hour, fuel amount used each month, and the monthly average heat and sulfur contents of each fuel burned.

(5) Within thirty (30) days of the end of each calendar quarter, Seagram shall report monthly emissions from Boiler 6 for each of the twelve (12) months prior to the end of the calendar quarter to the department. The report shall contain the information on fuel type, usage, sulfur content, and heat content necessary to determine monthly emissions. For purposes of calculating monthly emissions, the emission rate for Boiler 6, during periods when coal is being burned, shall be assumed to be eighteen-hundredths (0.18) pound per million British thermal units.

(d) Paul H. Rohe Co.: particulate matter emissions from the rotary dryer shall be limited to twenty-two hundredths (0.22) grain per dry standard cubic foot and nineteen and ten-hundredths (19.10) tons per year.

(e) Anchor Glass as follows:

(1) Particulate matter emissions from Glass Furnace 1 shall be limited to one (1) pound per ton and forty-eight (48) tons per year.

(2) Particulate matter emissions from Glass Furnace 2 shall be limited to one (1) pound per ton and forty-two and eight-tenths (42.8) tons per year.

(f) Indiana Michigan Power, Tanners Creek Station as follows:

(1) Combined particulate matter emissions from Boilers 1, 2, and 3 shall be limited to ninety-thousandths (0.090) pound per million British thermal units and one thousand five hundred eighty-one and eighty-hundredths (1,581.80) tons per year.

(2) Particulate matter emissions from Boiler 4 shall be limited to one-tenth (.1) pound per million British thermal units and two thousand one hundred four (2,104) tons per year.

(g) Lotus Ware House as follows:

(1) Particulate matter emissions from shipping/receiving/handling shall be limited to one hundred fifty-seven and one-tenth (157.1) tons per year.

(2) Particulate matter emissions from corn cleaning shall be limited to eleven and one-tenth (11.1) tons per year.

(3) Particulate matter emissions from corn drying shall be limited to twenty and nine-tenths (20.9) tons per year.

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(h) Dearborn Gravel: particulate matter emissions from screening/conveying/handling and storage shall be limited to two and eight-tenths (2.8) tons per year.

(i) Laughery Gravel: particulate matter emissions from storage shall be limited to fourteen and four-tenths (14.4) tons per year. (Air Pollution Control Board; 326 IAC 6-1-8.1; filed Jan 30, 1989, 5:00 p.m.: 12 IR 1381; filed Nov 8, 2001, 2:02 p.m.: 25 IR 714)

**326 IAC 6-1-9 Dubois County**

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 9. The following limitations apply to Dubois County:

DUBOIS COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emissions Limit		
				tons/yr	lbs/million BTU	grains/dscf
Indiana Dimension	0036	2P	Coal-Wood/Bark Boiler 5 MMBTU/Hr.	9.0	0.60	—
Indiana Furniture Industries	0027	3P	Wood/Bark Boiler 7 MMBTU/Hr.	5.2	0.60	—
Styline Industries, Plant #8	0035	4P	Coal-Wood Boiler 7 MMBTU/Hr.	9.0	0.60	—
Forest Wood Products No. 1	0033	5P	Wood Boiler 5 MMBTU/Hr.	9.0	0.60	—
Dolly Madison Plant No. 5	0016	8P	Coal Boiler 6 MMBTU/Hr.	9.4	0.60	—
Dolly Madison Plant No. 4	0017	9P	Wood Boiler 5 MMBTU/Hr.	9.4	0.60	—
Jasper Laminates, Plant #1—Division of Kimball	0042	10P	Wood-Wood Waste Boiler No. 1 20.5 MMBTU/Hr.	6.9	0.60	—
		31P	Natural Gas Boiler No. 2 16.8 MMBTU/Hr.	0.2	0.003	0.01
Jasper Cabinets Corporation	0004	104 11P	Wood Working Wood Boiler 5.3 MMBTU/Hr.	2 7.6	0.60	—
			Wood Boiler 6.7 MMBTU/Hr.	7.6	0.60	—
Jasper Desk	007	12P	Coal-Wood Boiler 8 MMBTU/Hr.	14.6	0.60	—
Jasper Wood Products	0038	13P	Coal-Wood Boiler No. 1 6 MMBTU/Hr.	9.0	0.60	—
		14P	Coal-Wood Boiler No. 2 6 MMBTU/Hr.	9.0	0.60	—
Artec	0011	15P	Wood Chip Boiler 14 MMBTU/Hr.	12.0	0.60	—
Jasper Office Furniture Co., Inc., Plant #1	009	111 16P	Wood Working Coal & Wood Boiler 11 MMBTU/Hr.	2 23.6	0.60	—

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Jasper Seating	0010	17P	Coal-Wood/Bark Boiler 7 MMBTU/Hr.	17.7	0.60	—
Jasper Veneer	0037	19P	Boiler No. 1 Coal, Wood/Bark 5 MMBTU/Hr.	9.4	0.6	—
		20P	Boiler No. 2, Coal-Wood/Bark 5 MMBTU/Hr.	8.7	0.6	—
Jasper Mun. Electric	0002	28P	Coal Boiler 192 MMBTU/Hr.	265.6	0.350	—
Jasper Chair	0005	29P	Wood Boiler 18 MMBTU/Hr.	15.6	0.60	—
Hoosier Desk	0003	111	Wood Working	4.6		
Jasper Seating	0010	107	Wood Working	4.4		
Jasper Cabinet No. 2	0004	102	Wood Working	1.0		
Jasper Desk	0007	107	Wood Working	3.9		
Jasper Chair	0005	107	Wood Working	.7		
Indiana Desk	0027	107	Wood Working	5.4		
Indiana Chair	0036	107	Wood Working	.4		
Jasper Office Furniture	0009	107	Wood Working	1.2		
Jasper Wood Products	0038	107	Wood Working	5.3		
Jasper Veneer	0037	107	Wood Working	2.6		
Forest Products No. 1	0033	8	Wood Working	4.2		
Jasper Cabinet No. 1	0006	111	Wood Working	5		
Dubois County Farm Bureau Coop.	0014	22	Grain Elevator	348		

*(Air Pollution Control Board; 326 IAC 6-1-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2429; filed Sep 18, 1998, 11:50 a.m.: 22 IR 424; filed Nov 8, 2001, 2:02 p.m.: 25 IR 715)*

**326 IAC 6-1-10 Lake County TSP point source strategy (Repealed)**

Sec. 10. *(Repealed by Air Pollution Control Board; filed May 12, 1993, 11:30 a.m.: 16 IR 2401)*

**326 IAC 6-1-10.1 Lake County PM<sub>10</sub> emission requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 10.1. (a) This section applies to the sources, facilities, and operations listed in subsection (d).

(b) The following definitions apply throughout this section:

(1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.

(2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.

(3) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts that may be sold as product shall not be included under the term "product".

(4) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.

(c) All emission limits in this section shall be PM<sub>10</sub> limits, unless otherwise stated.

(d) The following sources shall comply with the corresponding PM<sub>10</sub> and total suspended particulates (TSP) emission limitations and other requirements in this section consistent with the provisions as applicable in subsection (k). Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

(1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and

(2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

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<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
<b>(1) JUPITER ALUMINUM CORPORATION</b>		
Reverberatory furnace number 1	0.060 lbs/ton	0.970
Reverberatory furnace number 2	0.142 lbs/ton	0.430
Reverberatory furnace number 3	0.145 lbs/ton	0.510
Reverberatory furnace number 4	0.145 lbs/ton	0.510
Reverberatory furnace number 5	0.130 lbs/ton	1.137
<b>(2) SILGAN CONTAINERS MANUFACTURING CORPORATION</b>		
Stack serving incinerators (3 units)	0.007 lbs/MMBtu	0.310
Coil coater	0.007 lbs/MMBtu	0.290
<b>(3) CERESTAR USA, INC.</b>		
Stack serving boiler numbers 6 and 7	Stack Number 10-03-U-P and 10-04-U-P	lbs/hr 30.3
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06-U-P	22.7
Activated carbon regenerating furnace	15G-01-R-F	0.34 0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06 0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30 0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17 0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084 0.01
Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12 0.01
Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12 0.01
Gluten ring dryer #1	19-03-G-P	4.76 0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12 0.015
First stage germ dryer exhaust	21A-02-G-P	0.67 0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06 0.01
Waxy feed conveyor system	31-02-G	0.27 0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19 0.02
Gluten receiver	31-13-G(3/95)	0.23 0.02
Germ storage silo	31-14-G(10/95)	0.097 0.01
Corn receiving and storage-bin vent #5	33-01-G(12/95)	0.171 0.02
Corn receiving and storage-bin vent #6	33-02-G(12/95)	0.171 0.02
Corn cleaner	33-03-G(12/95)	0.21 0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04 0.01
Dextrin starch reactor #1	34-02-S-P	0.180 0.01
Dextrin starch cooler #1	34-03-S-P	0.042 0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11 0.01
Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and	0.030 0.01
Dextrin air lock feeder	34-07-S (12/92)	
Dextrin starch cooler	34B-01-S (10/93)	0.042 0.01
Dextrin storage hopper	34B-03-S (10/93)	0.114 0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179 0.01

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Dextrin feed hoppers: 3 and 4 (System 2)	34B-05-S and	0.030	0.01
#1 and #2 Dextrin air lock feeder	34B-06-S (10/93)		
Dextrin incoming starch batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (Railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01

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Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01
(4) AMERICAN STEEL FOUNDRIES—EAST CHICAGO		Emission Limit <u>(Units)</u>	Emission Limit <u>(lbs/hr)</u>
Sand kiln and cooler		0.636 lbs/ton	16.29
Sandheater mixing		0.520 lbs/ton	11.44
Electric induction furnaces (2 units)		0.104 lbs/ton	1.248
#2 tumblast with dust collector		0.145 lbs/ton of product	0.678
#3 tumblast with dust collector		0.145 lbs/ton of product	0.678
Shakeout dust collector		0.012 lbs/ton of product	0.384
(5) AMERICAN STEEL FOUNDRY—HAMMOND			
Stack serving coil spring grinder numbers 3-0386 and 3-0389		1.083 lbs/ton	0.045
Stack serving coil spring grinder number 3-0244		0.021 lbs/ton	0.040
Tub grinder number 3-0388		0.015 lbs/ton	2.00
Coil spring grinder number 3-0247		0.019 lbs/ton	0.03
Coil spring grinder number 3-0249		3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233		0.019 lbs/ton	0.05
Shot blast peener number 3-1804		0.011 lbs/ton	0.06
Shot blast peener number 3-1811		0.018 lbs/ton	0.06
Shot blast peener number 3-1821		0.016 lbs/ton	0.06
Shot blast peener number 3-1823		0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)		0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)		0.700 lbs/ton	2.10
Large coil manufacturing (ESP number 3-3028)		0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)		0.700 lbs/ton	1.05

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(6) BP PRODUCTS NORTH AMERICA INC.

Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20



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FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340
(7) ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
(8) BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
(9) SMITH READY MIX		
Central mix	0.0013 lbs/ton	0.350
(10) STATE LINE ENERGY, LLC		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
(11) E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
(12) GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580
(13) GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
(14) GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
(15) HAMMOND GROUP INC. (HGI)		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
(16) HAMMOND GROUP INC.–HALSTAB DIVISION		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990
(17) HAMMOND GROUP INC. (HGI)		

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Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
(18) HARBISON-WALKER REFRACTORIES, HAMMOND WORKS		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
(19) INLAND STEEL		
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00

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Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23

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Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
(20) KEIL CHEMICAL—DIVISION OF FERRO CORPORATION		
Cleaver brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230
(21) THE CHINET COMPANY		
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050
(22) LTV STEEL CORPORATION		
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP
(23) UNILEVER HPC, USA		
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720

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Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
(24) MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950
(25) MARPORT SMELTING		
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900
(26) METHODIST HOSPITAL		

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Boiler number 1	0.044 lbs/MMBtu	0.350
<b>(27) NATIONAL RECOVERY SYSTEMS</b>		
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (two (2) stacks)	0.001 lbs/ton	0.012
<b>(28) NIPSCo—MITCHELL</b>		
(A) Boiler numbers 4, 5, 6, and 11:		
(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.		
(ii) NIPSCo may operate under any one (1) of the following scenarios:		
(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:		
(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.		
(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.		
(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:		
(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185) pounds per hour.		
(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five (175) pounds per hour.		
(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:		
(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250) pounds per hour.		
(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.		
(iii) NIPSCo shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:		
(AA) Fuel type.		
(BB) Transition time of changes between or within operating scenarios. The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.		
(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.		

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(B) Upon the effective date of this amended rule, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11, meeting the following conditions:

(i) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial utilization of the operating scenario specified in clause (A)(ii)(BB). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu.

(ii) After the initial stack test specified in item (i), NIPSCo may utilize the operating scenario specified in clause (A)(ii)(BB) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(iii) If the operating scenario specified in clause (A)(ii)(BB) has not been utilized since the previous biennial stack test specified in this clause, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(iv) If the operating scenario specified in clause (A)(ii)(BB) has been utilized since the previous biennial stack test specified in this clause, and NIPSCo no longer has the ability to operate the boilers as specified in clause (A)(ii)(BB), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(29) PREMIER CANDY COMPANY		
Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450
(30) LASALLE STEEL COMPANY		
Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020
(31) REED MINERALS PLANT #14		
Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0
(32) RHODIA, INC.		
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist
(33) PRAXAIR		
Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum+ shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020
(34) UNION TANK CAR COMPANY		
Grit blaster	0.01 gr/dscf	9.9
(35) U.S. GYPSUM COMPANY		
Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070

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Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, stack B2	0.020 gr/dscf	0.860
Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140
(36) USS—Gary Works		
Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300
Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86
Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house, boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house, boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house, boiler number 6	0.020 lbs/MMBtu	3.000



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Number 2 coke plant boiler house, boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house, boiler number 8	0.011 lbs/MMBtu	2.61
Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill, reheat furnaces (four (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill, waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill, waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill, batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill, continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill, continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1

(e) The following opacity limits shall be complied with and shall take precedence over those in 326 IAC 5-1-2 with which they conflict:

<u>Source</u>	<u>Opacity</u>
<b>INLAND STEEL</b>	
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average
<b>LTV STEEL CORPORATION</b>	
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average
<b>USS—Gary Works</b>	
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (two (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

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(f) Test methods for this section shall be as follows:

(1) Emissions of PM<sub>10</sub> shall be measured by any of the following methods:

(A) 40 CFR 51, Appendix M, Method 201\*.

(B) 40 CFR 51, Appendix M, Method 201A\*.

(C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4\*.

(2) Emissions for TSP matter shall be measured by the following methods:

(A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17\*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees Fahrenheit plus or minus twenty-five (25) degrees Fahrenheit.

(B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4\*.

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9\*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8\*.

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5\*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202\*, with the following modifications:

(A) A heated Method 5\* out of stack filter shall be used instead of an in-stack filter.

(B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of one hundred sixty-seven and one-tenth (167.1) lbs/hr, and the front half catch is less than or equal to the mass concentration limit of sixty-five thousandths (0.065) gr/dscf in subsection (d).

(g) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

(1) Coke battery underfire stacks at USS.

(2) LTV: basic oxygen furnace precipitator main stack.

(3) USS: numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel, may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel, shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of the petition.

(h) The following combustion sources shall fire natural gas only:

<u>Source</u>	<u>Units</u>	<u>lbs/hr</u>
(1) JUPITER ALUMINUM CORPORATION		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION		
Stack serving basecoat ovens (six (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010

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Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (five (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY--HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) BP PRODUCTS NORTH AMERICA INC.		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) SMITH READY MIX		
Stack serving two (2) boiler units	0.003 lbs/MMBtu	0.035
(7) STATE LINE ENERGY, LLC		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house (one (1) unit)	0.003 lbs/MMBtu	0.100
(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND GROUP, INC. (HGI)		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND GROUP, INC.--HALSTAB DIVISION		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500

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Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) UNILEVER HPC, USA		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCO-MITCHELL		
Number 9A gas turbine	0.003 lbs/MMBtu	0.660
(17) PRAXAIR		
Package boilers (two (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097
(18) UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
(19) U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
(20) USS-Gary Works		
Electrogalvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house, boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house, boiler number 2	0.003 lbs/MMBtu	0.385
Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill, car bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, car bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

(k) This subsection lists site-specific control requirements. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to U.S. EPA prior to December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this rule. The sources listed shall meet the requirements as follows:

(1) The following for Cerestar USA, Incorporated:

(A) Starch dryer number 1 shall be permanently shut down by December 31, 1993.

(B) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.

(C) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.

(D) After December 10, 1993, Cerestar USA, Incorporated shall achieve compliance with the respective limits in subsection (d). The following mass emission limits shall be applicable until December 10, 1993:

<u>Process</u>	<u>Units</u>	<u>Emission Limit</u>
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber	0.086 lbs/ton	8.69 TSP

(2) American Steel Foundry-Hammond. The PM<sub>10</sub> mass emission limit in subsection (d) for coil spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295, and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the

existing control equipment with higher efficiency control equipment to comply with emission limits specified in subsection (d).

(3) State Line Energy, LLC. Units 3 and 4 shall comply with:

(A) a thirty percent (30%), six (6) minute average opacity limit until December 31, 1992;

(B) a twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993; and

(C) a twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(4) Hammond Group, Inc. (HGI)—Halox plant. The stack heights of stacks 17-S-25 and 17-S-40 shall be raised to twenty-one and three-tenths (21.3) meters above grade by December 10, 1993.

(5) The following for Inland Steel:

(A) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(B) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.

(C) Number 10 coke battery. After the shutdown of the number 8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(D) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of section 10.2 of this rule with the following exceptions:

(i) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.

(ii) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.

(iii) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(E) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(F) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(G) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(H) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in subsection (e). Prior to December 31, 1994, Inland Steel shall do the following:

(i) Perform tests according to procedures developed in consultation with the department to establish process and control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood and/or duct used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(ii) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(iii) Record the start time and duration of charging, tapping, and refining of each heat.

(I) After December 31, 1994, the sources shall comply with the respective limits contained in subsection (d). The following mass emission limits will be applicable until December 31, 1994:

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<u>Inland Steel Processes</u>	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.29 lbs/MMBtu	12.95
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.031 lbs/MMBtu	9.190
Number 3AC station boiler numbers 301 through 304	0.023 lbs/MMBtu	20.45
Number 3AC station boiler number 305	0.023 lbs/MMBtu	6.82

(6) The following for LTV Steel Corporation:

(A) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), except for one (1) three (3) minute average per hour.

(B) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(7) NIPSCO—Mitchell. Units 5 and 6 shall comply with the following:

(A) Thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(B) Twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(C) Twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(8) The following for USS—Gary Works:

(A) Numbers 15 and 16 coke batteries. The coke batteries and all associated operations shall not operate after the effective date of this section.

(B) Number 13 blast furnace casthouse roof monitor. The twenty percent (20%), six (6) minute average opacity standard shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the blast furnace casthouse shall comply with a thirty percent (30%) opacity, six (6) minute rolling average standard.

(C) Number 1 basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1996, and shall be maintained thereafter. Prior to December 31, 1996, the following opacity standards shall apply:

(i) Prior to January 1, 1995, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of six (6) minutes per hour. Twenty-four (24) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a six (6) minute aggregate.

(ii) For the period of January 1, 1995, through December 31, 1995, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of six (6) minutes per hour.

(iii) For the period of January 1, 1996, through December 30, 1996, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of five (5) minutes per hour. Twenty (20) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a five (5) minute aggregate.

(D) Number 2 QBOP facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of eight (8) minutes per hour. Thirty-two (32) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered an eight (8) minute aggregate.

(E) Number 2 coke plant boilers. Only four (4) of the number 2 coke plant boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.

(F) Eighty-four (84) inch hot strip mill. Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven million (477,000,000) British thermal units per hour for waste heat boiler number

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1 and furnace numbers 1 and 2 combined and a total of five hundred seven million (507,000,000) British thermal units per hour for waste heat boiler 2 and furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. A total actual heat input shall not exceed four hundred forty million (440,000,000) British thermal units per hour for each furnace, one hundred seventy million (170,000,000) British thermal units per hour for waste heat boiler number 1, and two hundred million (200,000,000) British thermal units per hour for waste heat boiler number 2.

(G) Only two (2) of the three (3) sinter lines shall operate at any one (1) time. For each line, USS—Gary Works shall maintain the following records in regard to the sinter plant operation:

- (i) Startup and shutdown time.
- (ii) Average hourly production rate.
- (iii) The cause of any malfunction and the correction taken.

(H) Number 2 coke plant boiler house boilers numbers 4, 5, and 6. A ninety (90) day written notice shall be given to the department and U.S. EPA in the event of switching fuels from gas to coal. In addition, continuous opacity emission monitors must be installed prior to the fuel switch.

(I) Beach iron dumping and process vessel maintenance activities subject to subsection (p)(3)(F)(i) and (p)(3)(F)(ii) shall comply with the applicable twenty percent (20%) opacity limitation no later than December 31, 1994. The schedule for compliance submitted by December 10, 1993, shall establish milestones that achieve final compliance as soon as practical, but no later than December 31, 1994.

(J) Number 5 quench tower will comply with the ninety-five percent (95%) baffle requirement under section 10.2(c)(7)(F) of this rule no later than December 10, 1993.

(1) The continuous compliance plan (CCP) for sources listed in subdivisions (1) through (21) shall contain information on the facilities included in subsections (d) and (e). The following sources shall submit a CCP to the department by December 10, 1993:

- (1) American Steel Foundries—East Chicago.
- (2) American Steel Foundry—Hammond.
- (3) BP Products North America Inc.
- (4) Bucko Construction.
- (5) Cerestar USA, Incorporated.
- (6) Globe Industries.
- (7) Hammond Group, Inc. (HGI).
- (8) Harbison Walker Refractories, Hammond Works.
- (9) Inland Steel.
- (10) LTV Steel Corporation.
- (11) Marblehead Lime Company.
- (12) Marport Smelting.
- (13) National Recovery Systems.
- (14) NIPSCO—Mitchell.
- (15) Reed Minerals.
- (16) Rhodia, Inc.
- (17) State Line Energy, LLC.
- (18) Unilever HPC, USA.
- (19) U.S. Gypsum Company.
- (20) USS—Gary Works.

(21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM<sub>10</sub> emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM<sub>10</sub> emissions shall be estimated with AP-42, "Compilation of Air Pollutant Emission Factors, Volume I, (Stationary Point and Area Sources)", Fifth Edition, January 1995 \*, Supplements A through G, December 2000 \* emission factors or other documentable emission factors

acceptable to the commissioner and U.S. EPA.

(C) Each facility, not otherwise required to submit a CCP in accordance with this subsection, with uncontrolled PM<sub>10</sub> or TSP emissions that may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(m) The CCP shall contain, for the facilities specified in subsection (l), documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by subsection (k) that are essential to maintaining compliance with the mass and opacity limits specified in subsections (d) and (e) and 326 IAC 5-1.

(n) The CCP shall include the following:

(1) A list of the processes and facilities at the source.

(2) A list of the particulate matter control equipment associated with the processes and facilities listed in subsection (l).

(3) The process operating parameters critical to continuous compliance with the applicable PM<sub>10</sub> or TSP mass and opacity limits, including applicable specific requirements listed in subsection (p).

(4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM<sub>10</sub> or TSP mass and opacity including applicable requirements listed in subsection (q).

(5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).

(6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(o) A CCP for a source to which subsection (k) applies shall contain a schedule for complying with the requirements of subsection (k). The schedule shall list specific compliance dates for the following actions:

(1) Submittal of plans.

(2) Start of construction.

(3) Completion of construction.

(4) Achieving compliance.

(5) Performing compliance tests.

(6) Submitting compliance test results.

(p) A source or facility to which subsection (l) applies and which belongs to any source category listed in this subsection shall include the following information or applicable procedures, or commit to the following actions, in its CCP:

(1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9\* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.

(2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.

(3) Steel mill CCPs shall include, as a minimum, the following:

(A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices used to control particulate emissions from each phase of the steel production cycle, including the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

(v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.

(vi) Describe practices that reduce PM<sub>10</sub> and TSP emissions escaping the primary or secondary hood during scrap



charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) The hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(B) Electric arc furnace, including the following:

(i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:

- (AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and
- (BB) the location of other processes within the facility that have potential to generate emissions, such as casting and ladle repair.

(ii) Describe the procedure for recording the following:

- (AA) Time of furnace charging, furnace melting, and furnace refining.
- (BB) Tapping start and stop times.
- (CC) Charge weight for each heat.
- (DD) Tap weight for each heat.

(iii) At least monthly, inspect the operational status of the following elements of the capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.

(vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9\* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

(i) Describe procedures, including frequency, for inspection of the following elements of a capture system:

- (AA) Pressure sensors.
- (BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

Maintain records of the maintenance and any repairs made.

(ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(iii) Describe any fume suppression system, including the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iv) Describe the record keeping for the following elements of the iron production cycle:

(AA) Time of hole drilling.

(BB) Time of tapping.

(CC) Time of hole plugging.

(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:

(AA) Tuyres.

(BB) Bleeder valves.

(CC) Large and small bells.

(DD) Uptakes and downcomers (to minimize backdrafting).

(EE) Standby devices.

(vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, such as dust catchers and scrubbing equipment to assure operation within design parameters.

(D) Sinter production shall comply with the following:

(i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.

(ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including the following:

(AA) Points of wear.

(BB) Distorted grate bars.

(CC) Leaking machine seals.

(DD) Holes in ducts.

(EE) Holes in flapper valves.

(iii) Describe procedures for monitoring mechanical and electrical inspection records.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Describe procedures for monitoring burden parameters, including base to acid ratio and hydrocarbon content.

(vi) Describe the routine for plant operation during equipment failure, such as screening station failure.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

(EE) Ductwork for accumulation of dust.

(FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(E) Coke production shall comply with the following:

(i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including quench water dissolved solids control. The documentation shall include the following operating practices:

(AA) Use of jumper pipe during charging.

(BB) Procedure for worker's coordination, training, and communication.

(CC) Luting material used.

(DD) Periodic engineering evaluations to determine improvements needed.

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- (EE) Aspiration practices during charging, including aspiration rate and adjustment.
- (ii) Describe the routinely available inventory of spare parts and equipment, including luting compounds, doors, and mobile scrubber cars.
- (F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:
  - (i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
  - (ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
  - (iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
- (G) Visible emission evaluation plans shall comply with the following:
  - (i) Within sixty (60) days of the effective date of this section, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and offtakes, doors, standpipes, and gas collector mains at coke production operations and lime plants.
  - (ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, then the plan shall include the basis for less frequent evaluations.
  - (iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.
  - (iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.
  - (v) The plan may be revised with department approval at any time.
- (4) Fuel combustion boilers, as described in subsection (l)(26)(A), shall comply as follows:
  - (A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources this section applies to.
  - (B) Affected sources shall maintain records of the following information:
    - (i) Operational status of each facility for each day.
    - (ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.
    - (iii) The TSP or PM<sub>10</sub> emission factors for each type of fuel to be used as estimated by the AP-42\* or stack test method.
    - (iv) The method used to monitor the fuel amount and heat content in addition to the frequency.
    - (v) The control efficiency of the particulate control device and the method of determination.
    - (vi) Average daily PM<sub>10</sub> emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.
  - (C) The following guidance may be used to estimate emissions:
    - (i) For heat content, AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels" Fifth Edition, January 1995 \*, Supplements A through G, December 2000 \*.
    - (ii) For emission factors (TSP or PM<sub>10</sub>), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" \*\*.
    - (iii) For control equipment efficiency, manufacturer's warranty or as determined by source.
    - (iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

(q) This subsection concerns particulate matter control equipment operation and maintenance requirements. A CCP shall provide that the following control equipment related information will be maintained at the source's property and will be available for inspection by department personnel:

- (1) Startup, shutdown, and emergency shutdown procedures.
- (2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.
- (3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.
- (4) Contents of the operator's training program and the frequency with which the training is held.
- (5) A list of spare parts available at the facility.
- (6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.
- (7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

(r) Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

(1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:

- (i) Pressure drop across the baghouse.
- (ii) Gas flow rate at baghouse inlet.
- (iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation, and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including such information as intensity, duration, frequency, and method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

(i) Daily inspections shall include the following:

- (AA) Pressure drop.
- (BB) Fan amperage.
- (CC) Cleaning cycle.
- (DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
- (EE) Dust discharge equipment for proper operation.
- (FF) General check for abnormal audible and visual conditions.

(ii) Weekly inspections of the following:

- (AA) Moving parts on discharge system.
- (BB) Bypass and isolation damper operation.
- (CC) Bag tension.
- (DD) Compressed air lines, oilers, and filters.
- (EE) Manometer lines.
- (FF) Temperature indicating equipment.
- (GG) Bag cleaning sequence.
- (HH) Drive components on fans.

(iii) Monthly inspections of the following:

- (AA) Bag seating condition.
- (BB) Moving parts on shaker baghouses.
- (CC) Fan corrosion and blade wear.

- (DD) Hoses and clamps.
  - (EE) Bags for leaks and holes.
  - (FF) Bag housing for corrosion.
  - (iv) Quarterly inspections of the following:
    - (AA) Bags.
    - (BB) Ducts for dust build-up.
    - (CC) Damper valves for proper setting.
    - (DD) Door gaskets.
    - (EE) Baffle plate for wear.
  - (v) Annual inspection of the following:
    - (AA) Welds and bolts.
    - (BB) Hoppers for wear.
    - (CC) Cleaning parts for wear.
- (2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:
- (A) Operating parameters, such as the following:
    - (i) Gas flow rate.
    - (ii) Temperature.
    - (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
    - (iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.
  - (B) ESP inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:
    - (i) Daily inspection of the following:
      - (AA) Fan amperage.
      - (BB) Temperature.
      - (CC) Gas conditioning agent flow rate or resistivity.
      - (DD) Electrical readings for values outside the operating range.
      - (EE) Hoppers and dust discharge system for proper operation.
      - (FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.Corrective actions taken, if any, shall be recorded.
    - (ii) Weekly inspection of the following or as per manufacturer's recommendations:
      - (AA) Rapper operation.
      - (BB) Control set interiors.
    - (iii) Monthly inspection of the following:
      - (AA) Fans for noise and vibration.
      - (BB) Hopper heaters.
      - (CC) Hopper level alarm operation.
    - (iv) Quarterly inspection of the following:
      - (AA) Check rapper and vibrator switch contacts.
      - (BB) Access door dog bolt and hinges.
      - (CC) Interlock covers.
      - (DD) Test connectors.
      - (EE) Exterior for visual signs of deterioration.
      - (FF) Abnormal vibration, noise, and leaks.
    - (v) Semiannual inspection of the following, or as per manufacturer's recommendations:
      - (AA) T-R liquid and surge arrestor spark gap.

(BB) Conduct internal inspection.

(CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.

(vi) Annual inspection of the following:

(AA) Tightness of all electrical connections.

(BB) Operation of switchgear.

(CC) Rapper insulator connections.

(DD) Observe and record areas of corrosion.

(3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), such as the following:

(A) Operating parameters, such as the following:

(i) Gas flow rate.

(ii) Inlet and outlet temperatures of gas to and from scrubber.

(iii) Liquid flow rate to scrubber.

(iv) Pressure drop across scrubber.

(v) pH of liquid to scrubber.

(vi) Fan and pump currents.

A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.

(B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

(i) Daily inspection of the following:

(AA) Scrubbing liquid flow rates to scrubber.

(BB) Pressure drop across scrubber.

(CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

(ii) Monthly inspection of the following:

(AA) Seals for abrasion.

(BB) Corrosion and leaks.

(CC) Fans for abrasion, corrosion, and solids build-up.

(DD) Pipes for abrasion, corrosion, and plugging.

(EE) Throat wear in the venturi scrubber.

(FF) Sensors, alarm systems, and bypass devices for proper operation.

(GG) Entrainment separator for blockage.

(HH) Spray nozzles for plugging or excessive wear.

(s) The department shall review the CCP. The department may at any time request, in writing, any of the following:

(1) A CCP revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.

(2) A compliance test conducted with the compliance test methods specified in this section if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure continuous compliance with applicable mass and opacity limits.

(t) The source shall respond, in writing, within thirty (30) days of a request per subsection (s). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(u) The source shall update the CCP, as needed, retain a copy of any changes and updates to the CCP on the property, and

make the updated CCP available for inspection by the department. The source shall submit the updated CCP, if required, to the department within thirty (30) days of the update.

(v) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of this section. Failure to respond to a request by the department under subsection (s) is a violation of this section. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, both the findings of noncompliance of both the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of this section, based either on a compliance test performed by the source or by observations or tests conducted by the department, is a violation of this section.

\*The following are incorporated by reference: 40 CFR 51, Appendix M, Methods 201, 201A, and 202; 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, 5, 5A, 5D, 5E, 8, 9, and 17, and AP-42, including supplements A through G. Copies are available from the Government Printing Office, 732 North Capitol Avenue 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, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30 a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716; filed Jul 26, 2002, 9:48 a.m.: 25 IR 4077*)

**326 IAC 6-1-10.2 Lake County PM<sub>10</sub> coke battery emission requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; 13-7

Sec. 10.2. (a) The provisions of this section shall apply to those sources located in Lake County which include a coke battery.

(b) The following definitions shall apply to this section:

- 326 IAC 1-2-10 "Charging" definition
- 326 IAC 1-2-11 "Charge port" definition
- 326 IAC 1-2-16 "Coke oven battery" definition
- 326 IAC 1-2-17 "Coke oven topside" definition
- 326 IAC 1-2-18 "Coke-side" definition
- 326 IAC 1-2-31 "Gas collector main" definition
- 326 IAC 1-2-32.1 "Gooseneck cap" definition
- 326 IAC 1-2-35 "Larry car" definition
- 326 IAC 1-2-34.1 "Jumper pipe" definition
- 326 IAC 1-2-49 "Offtake piping" definition
- 326 IAC 1-2-50 "Oven door" definition
- 326 IAC 1-2-60 "Pushing" definition
- 326 IAC 1-2-61 "Push-side" definition
- 326 IAC 1-2-62.1 "Quench car" definition
- 326 IAC 1-2-63 "Quenching" definition
- 326 IAC 1-2-63.1 "Quench reservoir" definition
- 326 IAC 1-2-63.2 "Quench tower" definition
- 326 IAC 1-2-77 "Standpipe lid" definition
- 326 IAC 1-2-87 "Underfire" definition.

(c) With the exceptions noted in this subsection, the coke batteries in Lake County shall comply with the following emission limits by December 10, 1993:

(1) Single-pass cap for oven door emissions. No visible emissions shall be permitted from more than ten percent (10%) of the observed coke oven doors on any coke oven battery. The number of coke-side doors and push-side doors shall be counted

in determining compliance with this emission limit. Doors of ovens which are out of service, either temporarily or permanently, shall not be counted. A push door and a chuck door shall be counted as one (1) door. Compliance with this emission limit shall be determined in accordance with the procedure described in 326 IAC 11-3-4(c).

(2) Charging emissions. No visible emissions shall be permitted from the charging system for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods. For the purpose of this subdivision, "charging system" means the equipment required to add coal to a coke battery. This includes a larry car, charge ports, jumper pipe, and offtake pipe. Compliance with this emission limit shall be determined in accordance with the procedure contained in 326 IAC 11-3-4(a).

(3) Pushing emissions. The following emission limits shall apply during pushing operations:

(A) The opacity of emissions from the coke-side of an oven to be pushed, before the first movement of the coke from the oven to the coke car begins, shall not exceed twenty percent (20%). The opacity shall be determined on an instantaneous basis at the top of the battery. The observer shall be positioned outside of the quench car rails.

(B) The opacity of emissions during the pushing operation shall not exceed twenty percent (20%). The pushing operation shall be considered to begin with the first movement of coke from the oven into the coke car and to end when the quench car enters the quench tower. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the readings shall be taken at fifteen (15) second intervals. Six (6) consecutive readings shall be averaged to determine the opacity. The observer shall only use those backgrounds that are above the elevation of the battery surface. If this condition cannot be met for six (6) consecutive readings, then the opacity shall be determined using the lesser number of consecutive readings.

(C) The particulate emissions from the control device stack shall not exceed four-hundredths (0.04) pounds per ton of coke pushed. Compliance with this emission limit shall be determined by 40 CFR 60, Appendix A, Method 5\*.

(4) Charge port lid emissions. No visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on operating ovens of a coke oven battery. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(5) Offtake piping emissions. No visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery. At no time shall the visible emissions from any gooseneck cap opening exceed twenty percent (20%). An exclusion from this opacity limit shall be allowed for two (2) minutes after a gooseneck cap is opened. The opacity shall be determined on an instantaneous basis. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(6) Gas collector main emissions. No visible emissions shall be permitted from the gas collector main. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(e). Caps on the main shall be exempt from this requirement during maintenance.

(7) Quenching emissions at USS. At a minimum, the following procedures and practices shall be followed:

(A) The quench water, as applied to the coke, shall not exceed one thousand five hundred (1,500) milligrams per liter dissolved solids.

(B) One (1) fifty (50) milliliter aliquot sample of quench water will be collected during each quenching operation at each quenching location by an automatic sampling system and composited into a refrigerated container. At the end of a twenty-four (24) hour sampling period, a composite sample consisting of a total of eighty-five (85) to two hundred (200) aliquots, depending upon the number of quenches performed, will have been collected at each location. The composite sample will be mixed and a representative sample obtained for analyses. The composite quench water sample from each location shall be analyzed using Method 2540C as found in Standard Methods for the Examination of Water and Wastewater, 17th Edition, published by the American Public Health Association\*\*.

(C) The automatic sampling system will draw fifty (50) milliliter aliquots from the header which feeds process water to the quench tower reservoirs during each quenching operation.

(D) The source shall submit results of the quench water analysis monthly to the office of air management.

(E) A source shall submit the following information regarding its quenching operation in its CCP required to be submitted by section 10.1(l) of this rule:

(i) The source of quench water, for example, Lake Michigan water only, or a mixture of Lake Michigan water, spent quench water, and process water.

(ii) The volume of quench water and the proportion of each source of water.

(F) All coke oven towers shall be equipped with baffles. Baffles shall cover ninety-five percent (95%) or more of the



cross-sectional area of the exhaust vent or stack for straight quench towers and must be maintained in operable condition. For offset quench towers numbers 2 and 3 at USSteel, the number and arrangement of baffles in the tower shall be maintained as designed. The source shall submit quench tower drawings showing baffle arrangement to the department and the U.S. EPA on or before December 10, 1993. Compliance with the quench tower baffle requirement shall be determined by comparison of the number and arrangement of baffles with the submitted plans.

- (8) Underfire emissions requirements shall be as follows:
- (A) Particulate emissions from underfire stacks shall be limited by the emission limitations contained in section 10.1(d) of this rule.
  - (B) Visible emissions from underfire stacks shall comply with the requirements set forth in 326 IAC 5-1-2.
- (9) Precarbonization emissions requirements shall be as follows:
- (A) Particulate emissions from precarbonization towers shall be limited by the emission limitations contained in section 10.1(d) of this rule.
  - (B) Visible emissions from precarbonization towers shall comply with the requirements set forth in 326 IAC 5.
- (d) The coke batteries at Inland Steel, in lieu of subsection (c)(3), (c)(5), and (c)(8) above, shall comply with the requirements of section 10.1(k)(5)(D) of this rule.

\* Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management.

\*\* These documents have been incorporated by reference and are available from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 6-1-10.2; filed May 12, 1993, 11:30 a.m.: 16 IR 2391*)

### **326 IAC 6-1-11 Lake County fugitive dust limits (Repealed)**

Sec. 11. (*Repealed by Air Pollution Control Board; filed May 12, 1993, 11:30 a.m.: 16 IR 2401*)

### **326 IAC 6-1-11.1 Lake County fugitive particulate matter control requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 11.1. (a) This section applies to the following:

- (1) Facilities and operations at a source having the potential to emit five (5) tons per year fugitive particulate matter into the atmosphere in Lake County:
- (A) Paved roads and parking lots.
  - (B) Unpaved roads and parking lots.
  - (C) Material transfer.
  - (D) Wind erosion from storage piles and exposed areas.
  - (E) Material transportation activities.
  - (F) Material processing facilities with capacity equal to or greater than ten (10) tons per hour. The mass and opacity limits for emissions in this section are not applicable to such facilities specifically listed in section 10.1 of this rule. However, fugitive emissions from such facilities are subject to this section.
  - (G) Dust handling equipment.
  - (H) Any other facility or operation with a potential to emit fugitive particulate matter and not included in this subsection.
- (2) The following sources located in Lake County:
- (A) Amoco Oil, Whiting Refinery.
  - (B) Beemsterboer Slag & Ballast Corporation.
  - (C) Bucko Construction.
  - (D) Dietrich Industries.
  - (E) Equilon Enterprises, LLC.
  - (F) General Transportation.
  - (G) Great Lakes Industrial Center.

- (H) Industrial Scrap.
- (I) Inland Steel Corporation.
- (J) LTV Steel Corporation.
- (K) Marblehead Lime Company.
- (L) Matlack Bulk Intermodal Services.
- (M) Mid Continental Coal & Coke Company.
- (N) NIPSCO–Mitchell.
- (O) Ozinga Brothers.
- (P) Praxair, Linde SP Gas.
- (Q) Praxair, Oxygen Plant.
- (R) Reed Minerals.
- (S) Safety-Kleen Corporation.
- (T) State Line Energy, LLC.
- (U) Union Tank Car Co.
- (V) USS–Gary Works.
- (W) Wolf Lake Terminals, Inc.

(3) New sources required to be registered or permitted under 326 IAC 2-5.1, with total uncontrolled PM<sub>10</sub> fugitive particulate matter emissions equal to or greater than five (5) tons per year.

(4) The independent contractors, companies, and corporations performing byproduct processing recycling activities, waste disposal, or any other activities that may result in uncontrolled PM<sub>10</sub> emissions of five (5) tons per year or more.

(5) Any subsequent owner or operator of a source or facility covered by this subsection.

(b) The amount of uncontrolled PM<sub>10</sub> emissions emitted from a facility or source shall be determined by applying the method contained in “Compilation of Air Pollutant Emission Factors”, Volume 1: Stationary Point and Area Sources, AP-42, Fifth Edition, January 1995\*, Supplements A through G, December 2000\*\*.

(c) The following definitions apply throughout this section:

(1) “Affected facilities” means the sources of fugitive emissions listed in subsection (a).

(2) “Batch transfer” means transfer of material onto or out of storage piles by front end loaders, trucks, or cranes.

(3) “Capacity” means the sum of all throughputs to the first introduction point of all the processing lines on a plant property.

(4) “Capture system” means the equipment used to capture and transport particulate matter generated by one (1) or more process equipment to a control device, including enclosures, hoods, ducts, fans, and dampers.

(5) “Continuous transfer” means transfer of material onto or out of storage piles by conveyor.

(6) “Control device” means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere.

(7) “Dust handling equipment” means the equipment used to handle dust collected by control equipment, such as, but not limited to, a conveyor used to transfer dust from a control equipment hopper to a temporary storage container. A truck is an example of a temporary storage container. Both a conveyor and temporary storage container, in this case, are dust handling equipment.

(8) “Exposed areas” means unused areas on plant property that cannot be defined as a paved or unpaved road or parking lot, storage pile, or associated area that have the potential to emit particulate emissions by wind action.

(9) “Fugitive particulate matter” means any particulate matter emitted into the atmosphere other than through a stack.

(10) “Inplant transportation” means transportation of material on plant transportation routes, such as railroads and plant roads, in equipment such as trucks, railroad cars, front end loaders, conveyors, and skip hoists. The inplant transportation might be from one (1) process to another, from process equipment to waste disposal and reclamation sites, or from one (1) storage pile to another. This includes, for example, hauling of slag from slag pits to the slag processing facility on the plant property.

(11) “Material” means raw process material, byproduct, intermediate product, waste product, final product, and dust collected by control equipment, having proportion of loose, dry dust equal to or greater than five-tenths percent (0.5%) as measured by the ASTM C-136 method\*\*\*, having potential to emit particulate emissions when disturbed by transfer, processing, and transportation activities defined in this section. Material may include the following:

- (A) Sand.
- (B) Limestone.
- (C) Coal.

- (D) Gypsum.
- (E) Slag.
- (F) Gravel.
- (G) Clay.
- (H) Cement.
- (I) Ores.
- (J) Grain.

(12) "Material processing facilities" means the equipment, or the combination of different types of equipment, used to process material for use in the plant or for commercial sale. The following sources are examples of these types of facilities:

- (A) Power generation plants.
- (B) Portland cement manufacturing plants.
- (C) Asphalt concrete manufacturing plants.
- (D) Concrete manufacturing plants.
- (E) Lime manufacturing plants.
- (F) Iron and steel manufacturing plants, which include blast furnaces and basic oxygen furnaces.
- (G) Sinter plants.
- (H) Coal and coke preparation plants.
- (I) Slag processing plants.
- (J) Brick manufacturing plants.
- (K) Grain processing elevators.
- (L) Food and feed manufacturing plants.

Equipment includes initial crusher, screen, grinder, mixer, dryer, belt conveyor, bucket elevator, bagging operation, storage bin, and truck or railroad car loading station.

(13) "Material transfer" means the transfer of material:

- (A) from process equipment onto the ground;
- (B) from the ground into hauling equipment;
- (C) from hauling equipment onto a storage pile;
- (D) from a storage pile into hauling equipment for transport; or
- (E) into an initial hopper for further processing.

Dumping of slag from blast furnaces or basic oxygen furnaces into the slag pits and subsequent transfer to the hauling vehicle and initial hopper at the slag processing facility is an example of material transfer.

(14) "Paved road" means an asphalt or concrete surfaced thoroughfare or right-of-way designed or used for vehicular traffic.

(15) "Processing line" means material processing equipment connected by a conveying system. This does not include transfer from a conveyor to a storage pile.

(16) "Silt content" means the mass of an aggregate sample smaller than seventy-five (75) microns in diameter as determined by dry sieving. Silt content may be determined by using the procedures in AP-42, "Silt Analysis", Appendix C.2.3, Fifth Edition, January 1995\*, Supplements A through G, December 2000\*\*.

(17) "Stack emissions" means the particulate matter that is released to the atmosphere from a confined opening like the exit of a control device or a chimney.

(18) "Storage pile" means any outdoor storage on a source's property of material as defined in subdivision (11).

(19) "Surface silt loading" means the mass of loose surface dust on a paved road, per length of road, as determined by dry vacuuming. Surface silt loading may be determined by using the procedures specified in "Iron and Steel Plant Open Source Fugitive Emission Evaluation", EPA 600/2-79-103, Appendix B\*\*.

(20) "Transfer point" means a point in a conveying operation where the material is transferred to or from a belt conveyor, except where the material is being transferred to a storage pile.

(21) "Unpaved road" means a thoroughfare or right-of-way other than a paved road designed or used for vehicular traffic.

(22) "Vent" means an opening through which there is mechanically induced airflow for the purpose of exhausting air carrying particulate matter emissions from one (1) or more items of material processing equipment from a building.

(d) The following are particulate matter emission limitations:

(1) Paved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%). A source shall implement the control measures specified by subsection (e)(3)(F) within twenty-

four (24) hours after notification by the department or U.S. EPA of violating the average instantaneous opacity limit. A violation of the instantaneous average opacity limits in this subsection is a violation of this rule. In addition, when requested by the department or U.S. EPA, after an exceedance of the opacity limit is observed by a representative of either agency, the source shall initiate a compliance check with the surface silt loading limit. The department may require a revision of the control plan under subsection (e)(8), if the test shows an exceedance of the surface silt loading limit. The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (A) The first shall be taken at the time of emission generation.
- (B) The second shall be taken five (5) seconds later.
- (C) The third shall be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(2) Unpaved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%). The department may request a revision of the control plan pursuant to subsection (e)(8), if an observation shows an exceedance of the average instantaneous opacity limit. This revision may be in lieu of, or in addition to, pursuing an enforcement action for a violation of the limit. Average instantaneous opacity shall be determined according to the procedure described in subdivision (1). The fugitive particulate emissions from unpaved roads shall be controlled by the implementation of a work program and work practice under the control plan required in subsection (e).

(3) Material transfer limits shall be as follows:

(A) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%). The average instantaneous opacity shall consist of the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) batch loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume.

(B) Where adequate wetting of the material for fugitive particulate emissions control is prohibitive to further processing or reuse of the material, the opacity shall not exceed ten percent (10%) three (3) minute average. This includes material transfer to the initial hopper of a material processing facility as defined in subsection (c) or material transfer for transportation within or outside the source property including, but not limited to, the following:

- (i) Transfer of slag product for use by asphalt plants:
  - (AA) from a storage pile to a front end loader; and
  - (BB) from a front end loader to a truck.
- (ii) Transfer of sinter blend for use at the sinter plant:
  - (AA) from a storage pile to a front end loader;
  - (BB) from a front end loader to a truck; and
  - (CC) from a truck to the initial processing point.
- (iii) Transfer of coal for use at a coal processing line:
  - (AA) from a storage pile to a front end loader; and
  - (BB) from a front end loader to the initial hopper of a coal processing line.

Compliance with any operation lasting less than three (3) minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

(C) Slag and kish handling activities at integrated iron and steel plants shall comply with the following particulate emissions limits:

- (i) The opacity of fugitive particulate emissions from transfer from pots and trucks into pits shall not exceed twenty percent (20%) on a six (6) minute average.
- (ii) The opacity of fugitive particulate emissions from transfer from pits into front end loaders and from transfer from front end loaders into trucks shall comply with the fugitive particulate emission limits in subdivision (9).

(4) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*\*. The opacity readings shall be taken at least four (4) feet from the point of origin.

(5) Wind erosion from storage piles and exposed areas. The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average. These limitations may not apply during periods when application of fugitive particulate control measures are either ineffective or unreasonable due to sustained very high wind speeds. During such periods, the company must continue to implement all reasonable fugitive particulate control measures and maintain records documenting the application of measures and the basis for a claim that meeting the opacity limitation was not reasonable given prevailing wind conditions. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. The opacity of fugitive particulate emissions from exposed areas shall not exceed ten percent (10%) on a six (6) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*\*.

(6) Material transportation activities shall include the following:

(A) There shall be a zero (0) percent frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time. Material transported by truck or rail that is enclosed and covered shall be considered in compliance with the inplant transportation requirement. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 22\*\*\*, except that the observation shall be taken at approximately right angles to the prevailing wind from the leeward side of the truck or railroad car.

(B) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and skip hoists shall not exceed ten percent (10%). Compliance with this limitation shall be determined by the average of three (3) opacity readings taken at five (5) second intervals. The three (3) opacity readings shall be taken as follows:

- (i) The first shall be taken at the time of emission generation.
- (ii) The second shall be taken five (5) seconds later.
- (iii) The third shall be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet from the plume approximately and at right angles to the plume. Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(7) Material processing facilities shall include the following:

(A) The PM<sub>10</sub> stack emissions from a material processing facility shall not exceed twenty-two thousandths (0.022) grain per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration limitation shall be determined using the test methods found in section 10.1(f) of this rule. Compliance with the opacity limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*\*.

(B) The opacity of fugitive particulate emissions from a material processing facility, except crusher at which a capture system is not used, shall not exceed ten percent (10%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*\*.

(C) The opacity of fugitive particulate emissions from a crusher at which a capture system is not used shall not exceed fifteen percent (15%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*\*.

(D) There shall be a zero (0) percent frequency of visible emission observations from a building enclosing all or a part of the material processing equipment, except from a vent in the building. Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 22\*\*\*.

(E) The PM<sub>10</sub> emissions from building vents shall not exceed twenty-two thousandths (0.022) grain per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration standard shall be determined by 40 CFR 60, Appendix A, Method 5 or 17, and with the opacity standard by 40 CFR 60, Appendix A, Method 9\*\*\*.

(8) Dust handling equipment. The opacity of particulate emissions from dust handling equipment shall not exceed ten percent (10%). Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 9\*\*\*.

(9) Any facility or operation not specified in this subsection shall meet a twenty percent (20%), three (3) minute opacity standard. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*\*, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals. Compliance of any operation lasting less than three (3) minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

(e) Control plans shall include the following:

(1) Within six (6) months of the effective date of this section, a source to which this section applies shall submit a control plan which, when fully implemented, will achieve compliance with the applicable emission limitations stated in subsection (d).

Failure to submit a control plan in accordance with this section shall be considered a violation of this rule. A control plan shall also be included as part of a construction permit application pursuant to 326 IAC 2-5.1.

(2) A control plan, upon submittal to the department, shall become part of a source's operating permit or registration conditions.

(3) The following information:

- (A) The name and address of the source and location, if the source is located on another source's property.
- (B) The name and address, if different from that of the source, of the owner or operator responsible for the execution of the plan.
- (C) Identification of the facilities or operations listed in subsection (a)(1) and those affected by section 10.1 of this rule that exist at the source.
- (D) A map showing the location of all unpaved roads, paved roads, parking lots, storage piles, material processing facilities, dust handling equipment, material transfer points, and waste disposal and reclamation sites.
- (E) A full description of the facilities on the map, including the following information, where applicable:
  - (i) The road lengths and widths, average daily traffic, surface silt loading, classification of vehicle traffic, and other data necessary to estimate PM<sub>10</sub> emissions from paved and unpaved roads and parking lots.
  - (ii) A description of each storage pile, including the type of material in the pile, its moisture content, the silt content, the throughput, and the equipment used to load onto and load out of the storage piles.
  - (iii) A complete description of the material processing facilities on the plant property, including a material flow diagram of the processing lines, the rated capacity of each piece of equipment, and the existing control equipment and their efficiencies, including the process equipment served.
  - (iv) A complete description of the material transfer, inplant transportation, and dust handling equipment. Material transfer operations shall include, at a minimum, those operations contained in subsection (c)(13).
  - (v) A complete description of all other fugitive particulate matter emitting facilities not covered in this clause.
- (F) The description of the proposed control measures and practices that the source will employ to achieve compliance with the emission limitations and data that prove its effectiveness.
- (G) A list of the conditions that will prevent control measures and practices from being applied and alternative control practices and measures that will achieve compliance with the emission limitations.
- (H) A schedule for achieving compliance with the provisions of the control plan. The schedule shall specify the time required to award necessary contracts and the time required to begin and complete construction and installation. Final compliance shall be achieved no later than December 10, 1993.

(4) The source shall keep the following documentation to show compliance with each of its control measures and control practices:

- (A) A map or diagram showing the location of all emission sources controlled, including the location, identification, length, and width of roadways.
- (B) For each application of water or chemical solution to roadways, the following shall be recorded:
  - (i) The name and location of the roadway controlled.
  - (ii) Application rate.
  - (iii) Time of each application.
  - (iv) Width of each application.
  - (v) Identification of each method of application.
  - (vi) Total quantity of water or chemical used for each application.
  - (vii) For each application of chemical solution, the concentration and identity of the chemical.
  - (viii) The material data safety sheets for each chemical.
- (C) For application of physical or chemical control agents not covered by clause (B), the following:
  - (i) The name of the agent.
  - (ii) Location of application.
  - (iii) Application rate.
  - (iv) Total quantity of agent used.
  - (v) If diluted, percent of concentration.
  - (vi) The material data safety sheets for each chemical.
- (D) A log recording incidents when control measures were not used and a statement of explanation.

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(E) Copies of all records required by this section shall be submitted to the department within twenty (20) working days of a written request by the department.

(F) The records required under this subdivision shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by department representatives during working hours.

(G) A quarterly report shall be submitted to the department stating the following:

- (i) The dates any required control measures were not implemented.
- (ii) A listing of those control measures.
- (iii) The reasons that the control measures were not implemented.
- (iv) Any corrective action taken.

This report shall be submitted to the department thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

(5) A source shall consult "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42 Fifth Edition, January 1995\*, Supplements A through G, December 2000\*\* and Control of Open Sources of Fugitive Dust, U.S. EPA, September 1988\*\*\*\* to determine the following:

(A) The information needed.

(B) The effectiveness of the applicable control practices and measures.

(6) A source listed under subsection (a)(2) shall be exempt from this section if it can demonstrate to the department that its uncontrolled PM<sub>10</sub> emissions are less than five (5) tons per year. An exemption must be approved by both the department and by U.S. EPA as a revision to the state implementation plan.

(7) The evaluation of a control plan by the department and U.S. EPA or a request for exemption from the requirement to submit a control plan shall be based on the following criteria:

(A) The completeness of the description of the affected facilities located on the plant property.

(B) The accuracy of the methods and procedures used to determine the applicability of the section.

(C) The completeness of the description of control measures and practices proposed by the source and any alternative control measures, and the accuracy of the data and calculations which document compliance with the emission limitations.

(D) The completeness of the data recording protocol for determining compliance with the control measures and practices.

(8) The department may require that a source revise its control plan if either of the following apply:

(A) A test of surface silt loading on a paved road shows that the loading is greater than one hundred (100) pounds per mile averaged over five (5) roads or five (5) road sections. The surface silt loading shall be determined using the sampling and analysis procedures in "Iron and Steel Plant Open Source Fugitive Emission Evaluation", Appendix B, EPA 600/2-79-103\*\*.

(B) The department's evaluation under subdivision (7) determines that the requirements of the control plan have not been met.

\*/\*\*/\*\*\*\*\*AP-42, Supplements A through G, and the following citations to the Code of Federal Regulations (CFR) are incorporated by reference: 40 CFR 60, Appendix A, Methods 5, 9, 17, and 22. Copies may be obtained from the Government Printing Office, 732 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.

\*\*\*ASTM methods are incorporated by reference and may be obtained from the American Society of Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428 or are available for review and copying from the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*\*\* "Control of Open Sources of Fugitive Dust", U.S. EPA, September 1988 and EPA 600/2-79-103, "Iron and Steel Plant Open Source Fugitive Emission [*sic.*, *Emission*] Evaluation, Appendix B" is incorporated by reference and may be obtained from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or are available for review and copying from the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-11.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2393; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1067; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed Nov 8, 2001, 2:02 p.m.: 25 IR 741*)

**326 IAC 6-1-11.2 Lake County particulate matter contingency measures**

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

Affected: IC 4-21.5; IC 13-12

Sec. 11.2. (a) This rule shall apply to the following sources of PM<sub>10</sub> emissions located in Lake County:

- (1) Any source listed in section 10.1(d) of this rule.
- (2) All sources of fugitive particulate emissions to which section 11.1(a) of this rule applies.
- (3) Any source that is identified by the department in a culpability study as causing or contributing to an exceedance or violation of the PM<sub>10</sub> standard.
- (4) Any other source with potential PM<sub>10</sub> emissions equal to or greater than ten (10) tons per year.

(b) As used in this section, "any reference to ambient monitoring data" means data that has been collected in accordance with 40 CFR 58\* and has been verified by the department as quality assured in accordance with quality assurance procedures.

(c) If the department's review of ambient monitoring data from Lake County reveals an exceedance of the twenty-four (24) hour ambient air quality standard for PM<sub>10</sub>, then the department shall undertake a culpability study to determine the source or sources causing or contributing to the exceedance. An exceedance means a daily value that is above the level of the twenty-four (24) hour standard after rounding to the nearest ten micrograms per cubic meter (10 µg/m<sup>3</sup>). In determining whether a source has caused or contributed to an exceedance of the twenty-four (24) hour ambient air quality standard for PM<sub>10</sub>, the department shall take whatever steps are necessary to determine which source or sources are culpable for the exceedance, including, but not limited to, the following:

- (1) Evaluating whether the exceedance should be classified as an exceptional event pursuant to "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events," EPA 450/4-88-007\*.
- (2) Reviewing operating records of the source or sources identified pursuant to subdivisions (3) through (4) to determine whether any source or sources so identified experienced a malfunction or breakdown or violated any term or condition of its operating permit or applicable rule which contributed to the exceedance.
- (3) Evaluating the monitoring equipment filter evidencing the exceedance to determine the type of source or sources that contributed to the exceedance.
- (4) Evaluating meteorological data and conducting dispersion analyses pursuant to "Guideline on Air Quality Models, Appendix W of 40 CFR Part 51", EPA 450/2-78-027R\*, to determine which source or sources caused or contributed to the exceedance, as needed.

(d) If the department determines that an exceedance can be classified as an exceptional event, the department shall make no request upon any source for voluntary controls.

(e) If the department determines that an exceedance would not have occurred except for a malfunction or violation of any term or condition of a source's operating permit or a violation of a rule adopted by the board, the department shall pursue enforcement or other appropriate action and shall make no request upon any source under the provisions of this rule.

(f) Following any exceedance of the twenty-four (24) hour ambient air quality standard for PM<sub>10</sub> and upon completion of the culpability study described in subsection (c), the department shall notify the source or sources that the department has identified as likely to have caused or contributed to the exceedance and request that the source or sources voluntarily implement controls that will reduce the source's PM<sub>10</sub> emissions by fifteen percent (15%). The department's notification shall include the results of the culpability study. The department shall request a reduction less than fifteen percent (15%) if the culpability study demonstrates that a lesser percent reduction would ensure that no further exceedance will occur under the same circumstances. If the department determines that a single facility at a source caused or significantly contributed to the exceedance, then the department will request that voluntary reductions be implemented only at the specific facility.

(g) If there is a violation of the twenty-four (24) hour ambient air quality standard for PM<sub>10</sub>, as determined in accordance with 40 CFR 50, Appendix K\*, and prior to a finding of failure to attain by the administrator of U.S. EPA, the department shall conduct a comprehensive culpability study as described in subsection (c) for each occurrence that contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

- (1) Any source where the total source-wide PM<sub>10</sub> emissions contributed more than twenty-five (25) micrograms per cubic meter (µg/m<sup>3</sup>) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.
- (2) Any source where a specific facility at the source contributed more than five (5) micrograms per cubic meter (µg/m<sup>3</sup>) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.



(h) Within forty-five (45) days of receipt of the notification under subsection (g), the source or sources shall submit to the department the following information:

(1) Any source, where the total source-wide PM<sub>10</sub> emissions contributed more than twenty-five (25) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to the total concentration at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the source's actual source-wide PM<sub>10</sub> emissions by twenty-five percent (25%). A source may substitute other proposed actual emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a source-wide twenty-five percent (25%) reduction.

(2) Any source, where a specific facility at the source contributed more than five (5) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to the total concentration at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a facility-wide twenty-five percent (25%) reduction.

If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the twenty-four (24) hour PM<sub>10</sub> standard will occur, under the same circumstances, the department shall specify what percent reduction will be required to ensure that no further violations occur.

(i) A source may, in lieu of the information required in subsection (h), submit an analysis that determines that the source's contribution to the violation is twenty-five (25) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) or less, or, in the case of a facility, five (5) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) or less. After reviewing this information, the department shall determine whether the source shall comply with the emission reduction required in subsection (h). The department's decision is subject to IC 4-21.5.

(j) If there is a violation of the annual ambient air quality standard for PM<sub>10</sub> as determined in accordance with 40 CFR 50, Appendix K\*, and prior to a finding of failure to attain by the administrator of U.S. EPA, the department shall conduct a comprehensive culpability study as described in subsection (c) for each occurrence that caused or contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

(1) Any source where the total source-wide PM<sub>10</sub> emissions contributed more than five (5) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

(2) Any source where a specific facility at the source contributed more than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.

(k) Within forty-five (45) days of receipt of the notification under subsection (j), the source or sources shall submit to the department the following information:

(1) Any source, where the total source-wide PM<sub>10</sub> emissions contributed more than five (5) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to the total concentrations at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the source's actual source-wide PM<sub>10</sub> emissions by twenty-five percent (25%). A source may substitute other proposed actual PM<sub>10</sub> emission reductions upon a demonstration that the ambient air quality impact will be equivalent to or greater than source-wide reductions.

(2) Any source, where a specific facility at the source contributed more than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual PM<sub>10</sub> emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than facility-wide reductions. If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the annual PM<sub>10</sub> standard will occur under the same circumstances, the department shall specify what percent reduction will be required to ensure that no further violations occur.

(l) A source may, in lieu of the information required in subsection (k), submit an analysis that demonstrates that the source's contribution to the violation is five (5) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) or less, or, in the case of a facility, one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) or less. After reviewing this information, the department shall determine whether the source shall comply with the emission reductions required in subsection (i). The department's decision is subject to IC 4-21.5.

(m) At the time of the submittal of the reduction measures, the source shall request that the department immediately incorporate the reduction measures into the source's Title V permit as described in 326 IAC 2-7 or its federally enforceable state operating permit (FESOP) as described in 326 IAC 2-8. If the source does not have a Title V operating permit or a FESOP, the source shall request that the department submit the reduction measure to U.S. EPA as an SIP revision.

(n) The department may commence rulemaking to incorporate the approved reduction measures into section 10.1 or 11.1 of

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this rule as appropriate.

(o) The source shall implement the reduction measures within one hundred eighty (180) days of the department's initial notification or as soon as feasible given the nature of the reduction measures, regardless of the department's approval, disapproval, or request for additional information unless a petition pursuant to subsection (i) or (l) has been submitted. Upon a showing by a source that one hundred eighty (180) days is infeasible for implementation of the reduction measures, the commissioner may extend the deadline, provided that the source implements interim reduction measures for the period of time necessary to implement the permanent measures. Such interim measures shall be put in place within thirty (30) days of the commissioner's approval of the requested extension.

(p) If the department, after review of the reduction measures, does not agree that the measures will achieve the required reduction, the department shall notify the source. The source shall have forty-five (45) days from receipt of the notice in which to resubmit a plan that adequately addresses the deficiencies. Failure to resubmit a plan that ensures reductions in PM<sub>10</sub> emissions constitutes a violation of this rule.

(q) A source that is required to resubmit reduction measures shall implement the approved measures within ninety (90) days of the department's approval.

\*/\*\*The following are incorporated by reference: 40 CFR 50, Appendix K, 40 CFR 58, and EPA 450/4-88-007, "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events" and EPA 450/2-78-027R "Guideline on Air Quality Models, Appendix W of 40 CFR 51". 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, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-11.2; filed Apr 16, 1996, 4:00 p.m.: 19 IR 2277; errata filed Jul 3, 1996, 5:00 p.m.: 19 IR 3114; filed Nov 8, 2001, 2:02 p.m.: 25 IR 746*)

**326 IAC 6-1-12 Marion County**

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 12. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Marion County:

MARION COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Asph. Mat. & Const. Inc.	0098	01	Oxid. Tank	.3		.004
Bridgeport Brass	0005	01	Boiler 1	21.5	.350	
	0005	02	Boiler 2	21.5	.350	
	0005	03	Boiler 3	21.5	.350	
Central Soya	0008	09A	Elevator Gallery Belt Trippers (East and West)	0.92		.006
	0008	09B	Elevator Gallery Belt Loaders (East and West)	0.70		.006
	0008	09C	Elevator Grain Dryer Conveying Legs	1.01		.006
	0008	10A	Elevator #1 Truck & Rail Receiving System and Basement	7.23		.006
Cent. St. Hospital	0008	10B	Elevator #2 Truck & Rail Receiving System	4.95		.006
	0009	01	Boilers 7 & 8	22.0	.350	
Chevrolet	0009	02	Boiler 3	17.0	.350	
	0010	0103	Boilers 1-3	65.8	.300	

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Chrys. (El.) Shade	0011	01	All Boilers	67.8	.324	
Chrys. (Fdy.) S. Tibbs	0012	01	Cup.-Scrub	34.2		.085
	0012	02	D. Cl. Ck. 4 St.	4.9		.038
	0012	07	Hz. C. Ov. B. Ck.	4.2		.008
	0012	08	Hz. C. Ov. A. Ck.	3.1		.006
	0012	09	Hz. C. Ov. A. By	6.2		.029
	0012	10	Hz. C. Pst. Cr.	less than 1 T/yr		.001
	0012	11	Hz. C. Ov. B. Ry.	.4		.005
	0012	12	Hz. Rv. Ov. Jkt.	less than 1 T/yr		.001
	0012	13	Hz. Ry. Ov. A. CCC	less than 1 T/yr		.002
	0012	14	Bg. Ex. Rb. 1 St.	2.6		.020
	0012	16	Hyd. Fdy. Gre.	1.2		.004
	0012	18	Ck. Unload.	5.9		.021
	0012	19	Flsk. Sk.-Out	50.8		.030
	0012	22	Snd. Trnsfr.	2.6		.019
	0012	25	Cr. Grinding	.01		.001
	0012	26	Cr. Grinding	1.6		.007
	0012	28	Cl. Op. Cr. K. O.	8.2		.034
	0012	29	Cl. Room	6.8		.020
	0012	30	Cl. Room	4.2		.020
	0012	31	Chp. Op.	16.7		.020
	0012	34	Cst. Cl.	57.5		.020
Community Hospital	0014	01	Keller Boiler	.5	.014	
Design Mix	0091	01	Roty. Dry.	9.8		.092
Allison Transmission	0017	01-05	Boilers 1, 2, 3, 4, 5	39.3 combined	.15 each	
Rolls-Royce Corporation		01	Boilers		.337	
	0311		0070-01 through 0070-04	} 130.0/yr		
		02	Boilers 0070-58 and 0070-59		.15	
	0311	03	Boilers 0070-62 through 0070-65		.15	
Illinois Cereal Mills, Incorporated	0020	01	Cleaver Brooks Boiler	1.0	.014	
	0020	02	Old Mill-Dust	4.3		.030
	0020	05	Old Mill-Dust	4.3		.030
	0020	06	Warehouse-Dust	5.8		.030
	0020	07	New Mill Dryers	3.0		.030
	0020	08	New Mill Dryers	3.0		.030
	0020	09	New Mill Dryers	3.0		.030
	0020	10	New Mill Dryers	3.0		.030
	0020	11	New Mill Dryers	9.4		.030
	0020	12	New Mill Coolers	3.1		.030
	0020	13	New Mill Cleaner	3.3		.030

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	0020	14	Elevator Dust	1.6		.030
	0020	15	Headhouse Suction	3.1		.030
	0020	16	Corn Cleaner	1.0		.131
	0020	17	Corn Cleaner	1.0		.131
	0020	18	Headhouse Suction	6.0		.030
	0020	19	Old Mill Dust	5.9		.030
	0020	20	Large Hammermill	8.2		.030
	0020	03	Old Mill Dust	4.3		.030
	0020	04	Old Mill Dust	4.3		.030
Farm Bureau (Fert.)	0653	02	Gr. Dry Cooler	15.2		.013
	0653	04	Ammoniator	3.9		.047
	0653	05	Cooler Gr.	6.3		.026
	0653	06	Screen Gr.	less than 1 T/yr		.005
	0653	07	Bag. Ship.	.1		.004
FMC Bearing	0025	01	Boilers 1-3	17.0	.300	
FMC Chain	0062	0105	Boilers	7.6	.300	
	0062	07	Anneal. Ov.	.1		.004
Ford Motor Co.	0021	01	Boiler 3	38.6	.270	
	0021	02	Boiler 2	55.1	.270	
	0021	03	Boiler 1	16.5	.270	
Ft. Benjamin Harrison	0022	01	Boiler 1	16.7	.350	
	0022	02	Boiler 2	16.7	.350	
	0022	03	Boiler 3	16.7	.350	
	0022	04	Boiler 4	16.7	.350	
Glass Containers	0293	01	Glass Melting Furnace	43.0		(1 lb/ton)
Indep. Concrete Pipe	0457	01	Ct. St. Bn. 04	.21		.014
	0457	02	Ct. St. Bn. 03	.41		.014
Indpls. Rubber Co.	0064	01	Boilers	70.0	.350	
Ind. Asph. Pav. Co.	0027	01	Roty. Dry. 1	7.8		.074
	0027	02	Roty. Dry. 2	3.9		.066
Ind. Veneers	0031	01	Wd. & Cl. Boil.	13.9	.330	
IPL (Perry K)	0034	01	Boiler 11		*.125	
			(natural gas, coke oven gas)			
	0034	01	Boiler 12 (coal)		*.175	
	0034	02	Boiler 13		*.082	
			(natural gas, coke oven gas)			
	0034	02	Boiler 14		*.082	
			(natural gas, coke oven gas)	484.4		
	0034	03	Boiler 15 (coal)		*.106	
	0034	03	Boiler 16 (coal)		*.106	
	0034	03	Boiler 17 (oil)		*.015	
	0034	03	Boiler 18 (oil)		*.015	
IPL (Stout)	0033	09	Boiler 9	1.9	*.015	
	0033	10	Boiler 10	2.2	*.015	
	0033	11	Boiler 50	82.2	*.135	
	0033	12	Boiler 60	82.2	*.135	
	0033	13	Boiler 70	830.7	*.1	

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	0033	14	Gas Turbine 1	.28	*.015	
	0033	15	Gas Turbine 2	.28	*.015	
	0033	16	Gas Turbine 3	.28	*.015	
Nat'l. R.R. (Amtrak)	0646	01	Boiler 1	23.0	.350	
	0646	02	Boiler 2	23.0	.350	
National Starch	0042	06	61-9	4.1		.016
	0042	11	56-2	11.3		0.010
	0042	12	71-2	2.6		.030
	0042	13	61-6	.1		.030
	0042	22	56-1	7.02		0.020
	0042	29	40-4	44.1		0.020
	0042	30	40-3	42.3		0.020
	0042	31	40-2	31.9		0.020
	0042	43A	42-1	.9		.030
	0042	46	61-14A	.6		.029
	0042	47	61-14	1.2		.028
	0042	55	42-8	4.2		.030
	0042	56A	42-7A	1.7		.032
	0042	56B	42-7B	1.7		.032
	0042	56C	42-7C	1.7		.032
	0042	57A	42-3A	1.8		.032
	0042	57B	42-3B	1.8		.032
	0042	57C	42-3C	1.8		.032
	0042	57D	42-3D	1.8		.032
	0042	57E	42-3E	1.8		.032
	0042	57F	42-3F	1.8		.032
	0042	59	42-4	2.3		.029
	0042	60	42-10	2.4		.030
	0042	63	42-6	2.5		.030
	0042	64	71-1	.9		.030
	0042	67A	71-5A	.3		.026
	0042	67B	71-5B	.3		.026
	0042	67C	71-5C	.3		.026
	0042	67D	71-5D	.3		.026
	0042	67E	71-5E	.3		.026
	0042	67F	71-5F	.3		.026
	0042	67G	71-5G	.3		.026
	0042	67H	71-5H	.3		.026
	0042	67I	71-5I	.3		.026
	0042	67J	71-5J	.3		.026
	0042	67K	71-5K	.3		.026
	0042	67L	71-5L	.3		.026
	0042	68A	71-4A	.3		.026
	0042	68B	71-4B	.3		.026
	0042	68C	71-4C	.3		.026
	0042	68D	71-4D	.3		.026

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	0042		575-1	32.4		.018
	0042		575-2	32.4		0.011
- 100% natural gas	0042	04	Boiler 4			
Navistar International	0039	1a	E.M. 1 Baghouse	45.7		.019
	0039	1b	E.M. 2 Baghouse	53.5		.020
	0039	02	Boiler 1	14.0	.30	
	0039	03	Boiler 2	13.0	.30	
	0039	04	Boiler 3	34.9	.30	
	0039	05	Phase 1 Baghouse	35.4		.020
	0039	06	Phase 3 Baghouse	55.1		.020
	0039	07	M-3 Baghouse	72.4		.015
	0039	98	Phase 4 Baghouse	99.6		.02
	0039	99	Phase 5 Baghouse	62.0		.02
	0039	08	Cst. Cl. Cr. 1	.0		.0
	0039	09	Pngbrn. Shtb.	.0		.0
	0039	10	Cst. Clg. Cr. 2	.0		.0
Quemetco (RSR Corp)	0079	01	Rev. Fur. 01	5.8		.016
RCA	0047	02	2 Boil Oil	28.7	.15	
Refined Metals	0036	01	Blast Furnace	2.8		.003
	0036	02	Pot Furnace	less than 1 T/yr		.0005
Reilly Industries, Inc.						
- 100% natural gas	0049	01	186 N			
	0049	02	2722 W	3.5	.15	
	0049	03	2726 S	7.8	.15	
	0049	04	2728 S	2.2	.15	
- 100% natural gas	0049	05	2607 T			
	0049	06	2714 V	3.1	.15	
	0049	07	2707 V	.4	.011	
	0049	08	2724 W			
- 100% natural gas	0049	09	702611			
- 100% natural gas	0049	10	722804	.2	.011	
	0049	11	732714	7.5	.15	
	0049	12	2706 Q	.1	.011	
- 100% natural gas	0049	13	2713 W			
- 100% natural gas	0049	14	2714 W			
	0049	18	2729 Q	.1	.011	
	0049	20	2740 Q	2.0	.15	
	0049	21	112 E	.5	.15	
Richardson Co.	0065	01	Boil. 2 Oil	1.5	.015	
St. Vincent's Hospital	0476	0103	Boilers 1-3	.7	.011	
Sludge Incinerator	0032	01	Incinerator #5	17.9		.030
	0032	02	Incinerator #6	17.9		.030
	0032	03	Incinerator #7	17.9		.030
	0032	04	Incinerator #8	17.9		.030
	0032	05	Incinerators #1-4	72.5		.030

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Stokely Van Camp	0056	0103	Boiler	93.3	.350
Praxair	0060	01	3 Boilers	35.5	.350

\*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5\*\*.

(b) Sources shall be considered in compliance with the tons per year emission limits established in subsection (a) if within five percent (5%) of the emission limit.

(c) Processes 40-4, 40-3, 40-2, 575-1, [and] 575-2 and Boiler 4 at National Starch, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.

(d) Processes 186 N, 2607 T, 702611, 722804, 2713 W, and 2714 W at Reilly Industries, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.

(e) In addition to complying with subsections (a) through (b), Navistar International Transportation Corporation shall comply with the following:

(1) The height of each of the two (2) stacks on the M-3 baghouse (Point ID 07) shall be increased by fifty (50) feet by August 31, 1990.

(2) Within thirty (30) days of the effective date of this rule, Navistar shall submit to the department the following:

(A) A certification as to the complete and permanent shutdown of the sources identified as Point ID 8, 9, and 10 of subsection (a) and No. 2 Large Mold Line, M-2 Mold Line, M-4 Mold Line, and the core-making and core-knockout operations for these mold lines.

(B) A written list of sources not identified in subsection (a) with a potential to emit ten (10) or greater tons per year.

(3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department of the monthly emissions from each emission point identified in subsection (a) which contains information necessary to estimate emissions, including:

(A) for boilers, fuel type, usage, ash content, and heat content; and

(B) for other processes, the appropriate production data, emission factors, and proper documentation of the emission factors.

(4) The tons per year limitation shall be met based on the sum of the monthly emissions for each twelve (12) month period.

(5) A written report detailing Navistar's operation and maintenance program to provide for proper operation of and to prevent deterioration of the air pollution control equipment on the emission points identified as Point ID 1a, 1b, 5, 6, 7, 98, and 99 in subsection (a) to be submitted to the department by July 31, 1990.

(f) In addition to complying with subsections (a) through (b), Rolls-Royce Corporation shall comply with the following:

(1) Boilers 0070-01 through 0070-04 may use only #2 fuel oil, #4 fuel oil, natural gas, or landfill gas as a fuel.

(2) Boilers 0070-58, 0070-59, and 0070-62 through 0070-65 may use only #6 fuel oil, #4 fuel oil, #2 fuel oil, natural gas, or landfill gas as a fuel.

(3) Boilers 0070-01 through 0070-04, 0070-58, 0070-59, and 0070-62 through 0070-65 shall have the following limitations depending upon the fuel being used:

(A) When using only #4 fuel oil, the amount used for the listed boilers collectively is not to exceed thirty-seven million one hundred forty-two thousand eight hundred (37,142,800) gallons per year based on a three hundred sixty-five (365) day rolling figure.

(B) When using #6 fuel oil, #2 fuel oil, natural gas, or landfill gas, the limitation listed in clause (A) shall be adjusted as follows:

(i) When using #6 fuel oil, the gallons per year of #4 fuel oil shall be reduced by two and six-tenths (2.6) gallons per gallon used.

(ii) When using natural gas, the gallons per year of #4 fuel oil shall be reduced by eighty-eight hundred-thousandths (0.00088) gallon per cubic foot of natural gas burned.

(iii) When using #2 fuel oil, the gallons per year of #4 fuel oil shall be reduced by twenty-eight hundredths (0.28) gallon per gallon used.

(iv) When using landfill gas, the gallons per year of #4 fuel oil shall be reduced by one hundred sixteen hundred-thousandths (.00116) gallon per cubic foot of landfill gas burned.

(4) A log shall be maintained to document compliance with subdivision (4). These records shall be maintained for at least the previous twenty-four (24) month period and shall be made available upon request by the department.

(g) In addition to complying with subsections (a) through (b), Allison Transmission shall comply with the following:

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(1) Maintain monthly fuel usage records for each boiler identified in subsection (a) that contains sufficient information to estimate emissions, including:

- (A) boiler identification and heat capacity;
- (B) fuel usage for each type of fuel; and
- (C) heat content of fuel.

(2) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis Environmental Resources Management Division of the monthly emissions of the boilers identified in subsection (a) and including the information in subdivision (1).

(3) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(4) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

\*The following is incorporated by reference: 40 CFR 60, Appendix A, Method 5. Copies may be obtained from the Government Printing Office, 732 North Capitol Avenue, Washington, D.C. 20401 and is 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 6-1-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2472; filed Dec 14, 1989, 9:30 a.m.: 13 IR 868; filed Oct 4, 1995, 10:00 a.m.: 19 IR 186; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; errata filed Mar 19, 1996, 10:20 a.m.: 19 IR 2044; filed Sep 18, 1998, 11:35 a.m.: 22 IR 417; filed Feb 9, 1999, 4:22 p.m.: 22 IR 1954; filed Apr 27, 1999, 9:04 a.m.: 22 IR 2857; errata filed Dec 8, 1999, 12:38 p.m.: 23 IR 812; filed May 26, 2000, 8:33 a.m.: 23 IR 2419; filed May 26, 2000, 8:37 a.m.: 23 IR 2414; errata filed Aug 17, 2000, 2:25 p.m.: 24 IR 26; filed Nov 8, 2001, 2:02 p.m.: 25 IR 748*)

**326 IAC 6-1-13 Vigo County**

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 13. In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vigo County:

VIGO COUNTY

Source	East Km	North Km	Process	Emission Limits		
				tons/yr+	lbs/million BTU	other units
Alcan	466.23	4376.07	No. 2 Melter	49.3		3 lb/ton
	466.23	4376.06	No. 3 Melter	49.3		3 lb/ton
	466.23	4376.05	No. 4 Melter	49.3		3 lb/ton
	466.23	4376.04	No. 5 Melter	144.5		3 lb/ton
	466.23	4376.03	No. 6 Melter	144.5		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton
	Terre Haute Grain	465.89	4365.42	Unloading	45.9	
465.87		4365.40	Loading	22.9		
465.85		4365.39	Bin Unloading	76.1		
465.89		4365.37	Drying	10.1		
Gartland Foundry	464.54	4365.81	Cupola	112.5		.15 gr/dscf
Colombian Home Products	455.36	4370.89	No. 1 & 2 Boilers (1 stack)	69.0	.35	



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Graham Grain	464.21	4365.73	Drying	1.7		Good housekeeping as defined by 326 IAC 6-1 and the board or its designated agent.
Indiana Gas & Chemical	464.21	4365.81	Handling	16.0		
	465.88	4366.27	4 Boilers	61.6	.15	
	465.92	4366.30	Coal Unloading	38.6		Comply with 326 IAC 11-3
	465.91	4366.24	Quenching	86.9		Comply with 326 IAC 11-3
	465.91	4366.32	No. 1 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.32	No. 4 Pushing	2.2		.04 lb/ton of coke
	465.89	4366.35	No. 1 Underfire Stack	7.0		.03 gr/dscf
	465.91	4366.29	No. 2 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.29	No. 2 Pushing	2.2		.04 lb/ton of coke
	465.91	4366.27	No. 2 Underfire Stack	7.0		.03 gr/dscf
ISU	465.03	4369.14	No. 2 & 3 Boilers (1 stack)	207.5	.35	Boilers 2 & 3 will not be used simultaneously with Boiler 5.
	465.03	4369.14	No. 5 Boiler (1 stack)	232.4	.35	
	465.04	4369.13	No. 4 Boiler	57.5	.15	
J.I. Case	466.32	4375.13	No. 1 & 2 Boilers (1 stack)	308.3	.68	
Martin Marietta	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in 326 IAC 6-1 and by the board or its designated agent.
Pfizer	464.06	4356.54	No. 6 & 7 Boilers	92.0	.15	
	464.06	4356.57	No. 5 Boiler	57.2	.15	
	464.65	4356.39	D Boiler	7.9	.15	
PSI	463.58	4375.20	Units 1-6	4102.3	0.1338	
Rose Hulman	472.19	4370.38	No. 1 Boiler	49.3	.6	
Sisters of Providence	460.48	4373.41	No. 2 & 3 Boilers	89.9		20.52 lb/hr
	460.50	4373.42	No. 5, 7 & 8 Boilers	106.2		24.24 lb/hr
Terre Haute Concrete	465.44	4368.96	Batch Plant No. 1	52.5		Comply with 326 IAC 6-4 and good housekeeping procedures as defined by the board or its designated agent.
	465.44	4368.98	Batch Plant No. 2	48.3		
Terre Haute Malleable	4660.50	4371.32	Exhaust Fans	3.8		.15 gr/dscf
United States	461.15	4363.13	No. 1 Boiler	41.1	.15	
Penitentiary	461.15	4363.12	No. 2 Boiler	41.1	.15	
	461.15	4363.11	No. 3 Boiler	41.1	.15	
	462.43	4363.63	Camp Boiler	20.5	.15	
Ulrich Chemical	466.13	4365.39	Soda Ash Handling	4.5		.03 gr/dscf
Wabash Fibre Box	466.57	4370.89	Boiler	16.4	.15	
	466.54	4371.01	Reserve Boiler	55.2	.6	

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Wabash Valley Asphalt	468.38	4374.20	North Plant	194.7		Comply with 326 IAC 6-4
	459.30	4360.60	South Plant	315.6		Comply with 326 IAC 6-4
International Paper	463.42	4365.58	No. 1 & 4 Boilers	483.8	.35	
	463.71	4366.00	No. 5 Boiler	61.2	.15	
	463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

+Compliance shall be acceptable if within 5% of the established emission limit.

(Air Pollution Control Board; 326 IAC 6-1-13; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2480; filed Nov 8, 2001, 2:02 p.m.: 25 IR 754)

**326 IAC 6-1-14 Wayne County**

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

Affected: IC 13-15; IC 13-17

Sec. 14. In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Wayne County:

WAYNE COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Belden Wire and Cable (office)	0003	1P	Oil Boiler 39 MMBTU/Hr.	8.0	0.015	
Dana Perfect Circle–Richmond	0004	2P	Cupola	51.50		0.133
Joseph H. Hill Co. PLT-A	0007	5P	3 Oil Boilers (Single Stack) 30 MMBTU/Hr.	1.40	0.015	
		6P	Oil Boiler 22.5 MMBTU/Hr.	1.0	0.015	
Joseph H. Hill Co. PLT-B	0031	7P	3 Oil Boilers (Single Stack) 175 MMBTU/Hr.	5.60	0.015	
Joseph H. Hill Co. PLT-C	0032	8P	Oil Boiler No. 1 19 MMBTU/Hr.	0.70	0.015	
		9P	Oil Boiler No. 2 7 MMBTU/Hr.	0.30	0.015	
Dana Perfect Circle–Hagerstown	0014	10P	Gas Boiler 50 MMBTU/Hr.	2.10	0.010	
Richmond Milestone Contractors	0008	13P	Rotary Dryer	50.80		0.158
Cambridge City Milestone Contractors	0028	14P	Rotary Dryer	67.4		0.218
Johns Manville Corporation	0006	15P	25 MMBTU/Hr. Natural Gas Boiler	1.5	0.0137	
		16P	Lines 2 and 3 Natural Gas Melt Furnaces	7.8		0.01
		17P	Line 6 Electric Melt Furnace	3.9		0.020
		19P	Line 3 Curing Oven	27.4		0.02
		20P	Line 6 Curing Oven	6.2		0.02
		21P	Line 2 Forming Process	58.3		0.02
		22P	Line 3 Forming Process	123.6		0.02
		23P	Line 6 Forming Process	45.4		0.02
Richmond State Hospital	0025	24P	(4 Gas/Oil Boilers) 123.4 MMBTU/Hr.	7.7	0.014	
Schrock Cabinet Company	0015	26P	Wood Boiler 10 MMBTU/Hr.	7.60	0.190	
		27P	Coal Boiler 10 MMBTU/Hr.	6.90	0.280	
Richmond Power & Light	0009	28P	Coal Boiler No. 1 385 MMBTU/Hr.	71.6	0.19**	
		29P	Coal Boiler No. 2 730 MMBTU/Hr.	233.3	0.22**	

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Earlham College		31P	Oil Boiler 14 MMBTU/Hr.	0.70	0.080
Purina Mills, Inc.	0033	32P	2 Oil Boilers One Stack 27 MMBTU/Hr.	1.0	0.015
Wallace Metals	0011	33P	Oil Boiler 6.5 MMBTU/Hr.	0.10	0.015
Design & Manufacturing		34P	1 Coal Boiler 43.5 MMBTU/Hr.	38.20	0.350
Barrett Paving Materials	0029	24	Primary Crushing	17.40	
			Secondary Crushing	63.3	
			Screening/Conveying/Handling	292.4	
Wayne County Farm Bureau	0021	39	Shipping/Receiving, Transferring/Conveying, Screening/Cleaning, Drying	10.40	
Farmer's Grain	0017	47	Shipping, Receiving, Transferring, Conveying, Drying	732.0	
Belden Wire and Cable (plant)	0003	39	Plastic Compounding	8.0	
			Rubber Mixing	0.14	
			Pneumatic	10.80	

\*\*The combined emissions from Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed 0.22 lbs/MMBTU.  
*(Air Pollution Control Board; 326 IAC 6-1-14; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2482; filed Jun 15, 1995, 1:00 p.m.: 18 IR 2727; errata filed Jul 6, 1995, 5:00 p.m.: 18 IR 2795; filed Sep 24, 1999, 9:57 a.m.: 23 IR 301; filed Nov 8, 2001, 2:02 p.m.: 25 IR 756)*

**326 IAC 6-1-15 Howard County**  
 Authority: IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 15. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Howard County:

HOWARD COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Cuneo Press	01-04	1P	4 Coal and oil boilers	48.0	0.65	
Chrysler-Haynes	01A	2P	Reverberatory Furnace A	22.5		0.39
	01B	3P	Reverberatory Furnace B	22.5		0.39
	01C	4P	Reverberatory Furnace C	92.5		0.85
	01D	5P	Reverberatory Furnace D	92.5		0.85
	01E	6P	Reverberatory Furnace E	92.5		0.85
	01F	7P	Reverberatory Furnace F	92.5		0.85
	01G	8P	Reverberatory Furnace G	36.2		0.63
	02	9P	Gas Boilers 1-3 190 MMBTU/Hr. 1975 only			
DaimlerChrysler-U.S. 31	01-03	10P	Boilers 1-3 1985 only	875.7	0.75	
	04-05		4-5 1975 only			
Penn-Dixie	02	11P	Oil & Gas Fired Boilers 66 MMBTU/Hr. Stack No. 1	21.2	0.08	
		12P	Oil & Gas Fired Boilers 66 MMBTU/Hr. Stack No. 2	21.2	0.08	
		13P	Gas Fired Boiler 66 MMBTU/Hr. Stack No. 3	3.1	0.01	

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	04	15P	2 Coal Boilers Stack No. 1	671.2	5.10
		16P	2 Coal Boilers Stack No. 2	671.2	5.10
Delphi Delco					
- 100% natural gas	03	19P	4 Gas Fired Boilers Stack No. 1		
- 100% natural gas		20P	1 Gas Fired Boiler Stack No. 2		
- 100% natural gas		21P	2 Gas Fired Boilers Stack No. 3		
- 100% natural gas		22P	5 Gas Fired Boilers Stack No. 4		
Mohr Construction	01	23P	Dryer/Screening Conveying	49.7	0.14
Name Inc.	01	24P	Drum Mixer	28.5	0.05
Judson Feed & Grain	0013	14A	Shipping/Receiving 5866 T/Yr.	1.7	
			Transferring/Conveying 5866 T/Yr.	4.5	
Russiaville Feed & Grain	0008	34A	Shipping/Receiving 5332 T/Yr.	1.7	
			Transferring/Conveying 5332 T/Yr.	4.2	
Greentown Grain	0011	68A	Shipping/Receiving 24400 T/Yr.	7.3	
			Transferring/Conveying 24400 T/Yr.	18.4	
			Drying 7000 T/Yr.	2.4	
Kokomo Grain Co.	0006	18A	Shipping/Receiving 60,000 T/Yr.	4.5	
			Transferring/Conveying 60,000 T/Yr.	11.1	
- 100% natural gas			Drying 25,000 T/Yr.		
Howard Co. Farm Bureau Co-op (Greentown)	0014	72A	Shipping/Receiving 14,296 T/Yr.	4.2	
			Transferring/Conveying 14,296 T/Yr.	10.8	
			Drying 5579 T/Yr.	2.1	
			Grinding 2000 T/Yr.	0.03	
Yeomen Stone & Sand	0010	59A	Primary Crushing 403,000 T/Yr.	53.9	
			Secondary Crushing 280,000 T/Yr.	178.0	
Penn-Dixie	0004	59A	Electric Arc. Furnace 378,100 T/Yr. in 1975	15.3	
			554,300 T/Yr. in 1985		
			Soak & Rodmill Furnace 4509 × 10 <sup>3</sup> gal/Yr.	103.6	
Howard Co. Farm Bureau Co-op (Russiaville)	0007	72A	Shipping/Receiving 11239 T/Yr.	3.48	
			Transferring/Conveying 11234 T/Yr.	28.16	
			Drying 3078 T/Yr.	1.04	

(b) The gas-fired boilers located at Stacks 1, 2, 3, and 4 at Delphi Delco, identified in subsection (a) as a one hundred percent (100%) natural gas burners, shall burn only natural gas.

(c) The unit for drying twenty-five thousand (25,000) t/yr located at Kokomo Grain, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6-1-15; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2485; filed Nov 8, 2001, 2:02 p.m.: 25 IR 758*)

**326 IAC 6-1-16 Vanderburgh County**

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

Affected: IC 13-15; IC 13-17

Sec. 16. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vanderburgh County:

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VANDERBURGH COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits			
				tons/yr+	lbs/million BTU	grains/dscf	
Sigeco							
- 100% natural gas	01	01	Gas Turbine				
Bernadin	01	04	Coal Boiler	9.0	0.220		
Evv. State Hospital	01	06	Coal Boiler No. 1	69.53	0.50		
	02	07	Oil Boiler No. 2	1.04	0.014		
	03	08	Oil Boiler No. 3	1.04	0.014		
International Steel	01	12	Coal Boiler Nos. 1 & 2	10.8	0.150		
Mead Johnson	01-02	16	Coal Boiler Nos. 3 & 4	130.71	0.38		
	03	17	Coal Boiler	68.14	0.280		
National of Evansville	01	18	Coal Boiler	99.08	5.2		
Whirlpool Hwy. 41	01	21	Coal Boiler No. 2	33.37	0.119		
	02	22	Coal Boiler No. 3	33.37	0.119		
	03	23	Coal Boiler No. 4	815.55	1.70		
	04	24	Oil Boiler No. 5	24.68	0.066		
Whirlpool Morgan Avenue	01	25	Coal Boiler No. 1	163.04	0.642		
	02-03	26	Coal Boiler Nos. 2 & 3	237.43	0.750		
Craddock Finishing	01	27	Coal Boiler	0.7	0.085		
Inland Container	02-03	28	Gas & Oil Boiler	2.1	0.030		
Evv. Veneer & Lumber	01	29	Wood Boiler	89.34	1.10		
General Foods	01-02	30	Oil Boiler Nos. 2 & 3	6.95	0.046		
	03	31	Wheat Clean	2.09		0.007	
	04	32	Conveying	0.03		0.002	
	07	33	Flour Grind	1.04		0.011	
	08	34*	Conveying	1.04		0.003	
	09	35	Wheat Clean	2.09		0.011	
	10	36	Wheat Clean	36.15		0.680	
	11	37	Wheat Hand	40.67		0.368	
	12	38	Grain Unload	4.87		0.084	
	13	39	Grain Unload	0.7		0.102	
	14	40	Dust Control	36.15		1.329	
	15	41	Wheat Clean	3.48		0.047	
	16	42	Grain Dryer	9.73		0.007	
	Nunn Milling	01	43	Wheat Grind	133.49		11.63
		02	44	Hammer Mill	17.73		0.790
03		45	Corn Mill 1	0.14		0.008	
04		46	Corn Mill 2	0.14		0.003	
05		47	Screen & Clean	9.39		1.66	
06		48	Flour Purify	3.13		0.277	
07		49	Pack Shack	9.39		0.738	
08		50	Wheat Scour	9.39		0.738	
Purina Mills, Inc.	03	52	Unloading	0.03		0.001	
	04	53	Palleting	1.39		0.018	

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+Compliance shall be acceptable if within 5% of the established emission limit.

\*Difference between actual and RACT emissions on ton/yr. basis is small, and the impact on air quality from this source is insignificant. 1985 projected emissions is the strategy allowed emission for this source.

(b) The gas turbine at Sigeco, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6-1-16; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2487; filed Nov 8, 2001, 2:02 p.m.: 25 IR 759*)

**326 IAC 6-1-17 Clark County**

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

Affected: IC 13-15; IC 13-17

Sec. 17. In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Clark County:

CLARK COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Kimball	0002	1P	Oil Fired Boiler	0.3	0.0130	
Case Goods	03		6 MMBTU/Hr.			
Colgate Palmolive	0003	2P	Oil & Gas Fired Boilers	6.3	0.015	
	01-02		No. 8 & 9 88 MMBTU/Hr. each			
	05	3P	Oil & Gas Fired Boiler No. 10 100 MMBTU/Hr.	4.2	0.015	
Robison Foundry	0004	6P	Cupola	4.2		.476
	01					
Hooker Chemical	0005	7P	Thermal process	8.7		.023
	01					
	02	8P	Sodium Phosphate Process	85.2		.028
Essroc Materials	0008	9P	Kiln No. 2	265.20		0.4 lb/ton
	12					
	04	10P	Limestone Kiln	120.40		0.58 lb/ton
	11	12P	Kiln No. 1	251.20		0.58 lb/ton
PQ Corporation	0018	13P	Gas-Oil Boiler	0.3	0.060	
	01		5 MMBTU/Hr.			
	02	14P	Sodium Silicate Glass	51.8		1.4 lb/ton
Gohman Asphalt	0022	15P	Dryer, Screen, Conveyor	11.5		.087
	01					
B & E Asphalt	0023	16P	Dryer, Screen, Conveyor	29.2		0.11
	01					
USS Agri Chemicals	0024	17P	Unloading, Bulk Shipment	1.7		.004
	01					
	03	18P	Sieving, Crushing Scaling	11.1		0.02
	04	19P	Ammoniator	9.0		0.039
	05	20P	Dryer & Cooler	24.0		0.09
Hillerich & Bradsby	0032	21P	Incinerator-Waste Heat Boiler	26.1	0.240	
	01					
	02	22P	Wood Products	0.3		.001
Quality Paving	0037	23P	Asphalt Batching	4.2		.03
	01					

(*Air Pollution Control Board; 326 IAC 6-1-17; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2489; filed Nov 8, 2001, 2:02 p.m.: 25 IR 761*)

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**326 IAC 6-1-18 St. Joseph County**

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

Affected: IC 13-15; IC 13-17

Sec. 18. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in St. Joseph County:

ST. JOSEPH COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Sibley Machine & Foundry	01	1P	Cupola	26.8		0.71
	02	2P	Grinding	3.0		0.023
	03	3P	Tumble Blast	5.0		0.030
	04	4P	Table Blasting	4.3		0.037
	05	5P	Sand Handling	5.0		0.052
	06	6P	Sand Handling	19.0		0.074
	07	7P	Sand Handling	14.60		0.027
	08	8P	Sand Handling	5.60		0.021
Asphalt Engineers	01	9P	Rotary Dryer	10.40		0.270
Allied Signal Aerospace - 100% natural gas	01	10P	3 Gas fired boilers 31 MMBTU/Hr. total			
Volney Felt Mills	01	11P	Oil fired boiler 22 MMBTU/Hr.	5.90	0.130	
	02	12P	Hammer Mill	1.0		0.028
Northern Indiana Childrens Hospital	01-03	13P	3 oil fired boilers 3 MMBTU/Hr. each	1.40	0.060	
University of Notre Dame	01-03	14P	Boiler No. 1, No. 6 oil & gas fired 137 MMBTU/Hr.		0.087	
			Boiler No. 2 & 3 coal fired, 96 MMBTU/Hr. each		0.28	
	04	15P	Boiler No. 4 oil, gas & coal fired 234 MMBTU/Hr.		0.17	
	05	16P	Boiler No. 5, No. 2 oil fired 244.5 MMBTU/Hr.		0.02	
Uniroyal	01-03	17P	Boiler Nos. 1, 2, 3, 4, & 5 118.7 total	118.7 total		
	01-03	17P	Boilers No. 1, 2, 3 coal & gas fired 150 MMBTU/Hr. each	40	0.100	
Wheelabrator Frye.	01	18P	Standby Furnaces Nos. 1 and 2	0.12		0.006
	02	19P	Standby Furnaces Nos. 3 and 4	0.30		0.006
	03	20P	Furnace No. 5	2.80		0.004
	04	21P	Furnace No. 6	2.80		0.004
	05	22P	Sand Handling	1.70		0.017
	07	23P	Heat Treatment Furnace	8.70*		0.055
	08	24P	Shot Separation	5.90		0.036
	09	25P	Foundry Arc Furnace	4.20		0.004



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ARCO Engg. Const. Corp.	01	26P	Rotary Dryer	24.70		0.153
Mishawaka Brass	01	27P	Rotary Furnace	4.13		0.091
White Farm Equipment Co.	01	28P	Coal fired boiler 17 MMBTU/Hr.	21.90	0.470	
Bosch Braking Systems						
- 100% natural gas	01-03	29P	Boiler Nos. 1, 2, 3 gas fired 84 MMBTU/Hr. each			
- 100% natural gas	04-05	30P	Boiler No. 4, gas fired 63 MMBTU/Hr.			
Reliance Electric–Dodge Division	01	31P	3 electric Induction Furnaces	37.50		0.090
	03	32P	Chip & Grinding - Main Baghouse	5.5		0.001
	04	33P	South Foundry - Sand Handling	6.66		0.017
	05	34P	South Foundry - Shake out	5.17		0.012
	07	35P	East Foundry - Shake out and Sand Handling	3.16		0.010
	10	37P	Wheelblast, railblast, #1 spinner hanger	5.5		0.015
AM General	29	39P	Oil fired boiler No. 1 9 MMBTU/Hr.	6.60	0.150	
	30	40P	Oil fired boiler No. 2 9 MMBTU/Hr.	9.40	0.150	
RACO	01	41P	Oil fired boilers Nos. 1, and 2.21 MMBTU/Hr.	4.20	0.080	
	02	42P	Boiler No. 3 oil fired 10 MMBTU/Hr.	3.50	0.080	
	03	43P	Boiler No. 4 oil fired 10 MMBTU/Hr.	3.50	0.080	
Reith Riley Construction						
Plant No. 0027	01	44P	Rotary Dryer	1.70		0.052
Plant No. 0017	02	45P	Rotary Dryer	11.10		0.132
Walsh & Kelly		46P	Rotary Dryer	20.48		0.049
I & M-Twin Branch	02-03	48P	Boilers Nos. 41 & 42. Oil fired 525 MMBTU/Hr. each	35.80	0.014	
	04	49P	Boiler No. 5 oil fired 1367 MMBTU/Hr.	61.90	0.014	
Saint Mary's	01	54P	Boiler No. 2 coal fired 63 MMBTU/Hr.	12.90	0.110	
	02	55P	Boiler No. 3 coal fired 63 MMBTU/Hr.	12.90	0.110	
	- 100% natural gas	03	56P	Boiler No. 1 gas fired. 63 MMBTU/Hr.		

\*Difference between RACT allowed and projected actual emissions on tons/year basis is very small and impact on air quality is insignificant from this source, projected actual emission is the strategy allowed emission.

(b) Three (3) boilers at Allied Signal Aerospace, identified in subsection (a) as a one hundred percent (100%) natural gas

burners, shall burn only natural gas.

(c) Boiler Nos. 1, 2, 3, and 4 at Bosch Braking Systems, identified in subsection (a) as a one hundred percent (100%) natural gas burners, shall burn only natural gas.

(d) Boiler No. 1 at Saint Mary's, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6-1-18; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2491; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2299; filed Nov 8, 2001, 2:02 p.m.: 25 IR 762*)

**Rule 2. Particulate Emission Limitations for Sources of Indirect Heating**

**326 IAC 6-2-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes limitations for sources of indirect heating.

(b) Particulate emissions from the combustion of fuel for indirect heating from all facilities located in Lake, Porter, Marion, Boone, Hamilton, Hendricks, Johnson, Morgan, Shelby, and Hancock Counties, which were existing and in operation or which received permit to construct prior to September 21, 1983, shall be limited by section 2 of this rule.

(c) Particulate emissions from the combustion of fuel for indirect heating from all facilities not specified in subsection (b), which were existing and in operation or which received permits to construct prior to September 21, 1983, shall be limited by section 3 of this rule.

(d) Particulate emissions from the combustion of fuel for indirect heating from all facilities receiving permits to construct on or after September 21, 1983, shall be limited by section 4 of this rule.

(e) If any limitation established by this rule is inconsistent with applicable limitations contained in 326 IAC 6-1, then the limitations contained in 326 IAC 6-1 prevail.

(f) If any limitation established by this rule is inconsistent with applicable limitations contained in 326 IAC 12 concerning new source performance standards, then the limitations contained in 326 IAC 12 prevail.

(g) If any limitation established by this rule is inconsistent with a limitation contained in a facility's construction or operation permit as issued pursuant to 326 IAC 2 concerning permit review regulations, then the limitations contained in the source's current permits prevail.

(h) If any limitation established by this rule is inconsistent with a limitation required by 326 IAC 2 concerning permit review regulations, to prevent a violation of the ambient air quality standards set forth in 326 IAC 1-4, then the limitations required by 326 IAC 2 prevail.

(i) The addition of a new facility at a source does not affect the limitations of the existing facilities unless such changes in the limitations are required by the provisions of 326 IAC 2 or 326 IAC 6-1. (*Air Pollution Control Board; 326 IAC 6-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2493; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1598*)

**326 IAC 6-2-2 Emission limitations for facilities specified in 326 IAC 6-2-1(b)**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Particulate emissions from existing indirect heating facilities located in the specified counties shall be limited by the following equation:

$$Pt = \frac{0.87}{Q^{0.16}}$$

Where: Pt = Pounds of particulate matter emitted per million Btu (lb/mmBtu) heat input.

Q = Total source maximum operating capacity rating in million Btu per hour (mmBtu/hr) heat input. The maximum operating capacity rating is defined as the maximum capacity at which the facility is operated or the nameplate capacity, whichever is specified in the facility's operation permit application, except when some lower capacity is contained in the facility's operation permit, in which case, the capacity specified in the operation permit shall be used.

For Q less than 10 mmBtu/hr, Pt shall not exceed 0.6. For Q greater than or equal to 10,000 mmBtu/hr, Pt shall not exceed 0.2. Figure 1 may be used to estimate allowable emissions.

(b) The emission limitations for those indirect heating facilities which were existing and in operation on or before June 8, 1972, shall be calculated using the equation contained in subsection (a) of this section where: Q shall reflect the total source capacity on June 8, 1972. The resulting Pt is the emission limitation for each facility existing on that date and will not be affected by the addition of any subsequent facility. The particulate emissions from all of the facilities which were in existence on June 8, 1972, may be allocated in any way among these facilities provided that they will not result in a significantly greater air quality impact level at any receptor than that which would result if the particulate emissions from each of these facilities were limited to Pt; and provided that the emission limitations for each facility are specified in its operation permit. Significant impact levels are defined in 326 IAC 2-3(d).

(c) The emission limitations for those indirect heating facilities which began operation after June 8, 1972, and before September 21, 1983, and those facilities which receive permits to construct prior September 21, 1983 shall be calculated using the equation contained in subsection (a) of this section where: Q includes the capacity for the facility in question and the capacities for those facilities which were previously constructed or received prior permits to construct. The limitations for all previously permitted facilities do not change. The Q and Pt for each facility at a source which begins operation or receives a construction permit during this time period will be different. (*Air Pollution Control Board; 326 IAC 6-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2494; errata filed Feb 9, 1999, 4:05 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-2-3 Emission limitations for facilities specified in 326 IAC 6-2-1(c)**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Particulate emissions from indirect heating facilities existing and in operation before September 21, 1983, shall be limited by the following equation:

$$Pt = \frac{C \times a \times h}{76.5 \times Q^{0.75} \times N^{0.25}}$$

- Where:
- C = Maximum ground level concentration with respect to distance from the point source at the "critical" wind speed for level terrain. This shall equal 50 micrograms [*sic.*] per cubic meter ( $\mu/m^3$ ) for a period not to exceed a sixty (60) minute time period.
  - Pt = Pounds of particulate matter emitted per million Btu heat input (lb/mmBtu).
  - Q = Total source maximum operating capacity rating in million Btu per hour (mmBtu/hr) heat input. The maximum operating capacity rating is defined as the maximum capacity at which the facility is operated or the nameplate capacity, whichever is specified in the facility's operation permit application, except when some lower capacity is contained in the facility's operation permit; in which case, the capacity specified in the operation permit shall be used.
  - N = Number of stacks in fuel burning operation.
  - a = Plume rise factor which is used to make allowance for less than theoretical plume rise. The value 0.67 shall be used for Q less than or equal to 1,000 mmBtu/hr heat input. The value 0.8 shall be used for Q greater than 1,000 mmBtu/hr heat input.
  - h = Stack height in feet. If a number of stacks of different heights exist, the average stack height to represent "N" stacks shall be calculated by weighing each stack height with its particulate matter emission rate as follows:

$$h = \frac{\sum_{i=1}^N H_i \times pa_i \times Q}{\sum_{i=1}^N pa_i \times Q}$$

Where:  $pa$  = the actual controlled emission rate in lb/mmBtu using the emission factor from AP-42 or stack test data. Stacks constructed after January 1, 1971, shall be credited with GEP stack height only. GEP stack height shall be calculated as specified in 326 IAC 1-7.

(b) The emission limitations for those indirect heating facilities which were existing and in operation on or before June 8, 1972, shall be calculated using the equation contained in subsection (a) of this section where:  $Q$ ,  $N$ , and  $h$  shall include the parameters for all facilities in operation on June 8, 1972. The resulting  $Pt$  is the emission limitation for each facility existing on that date and will not be affected by the addition of any subsequent facility. The particulate emissions from all of the facilities which were in existence on June 8, 1972, may be allocated in any way among these facilities provided that they will not result in a significantly greater air quality impact level at any receptor than that which would result if the particulate emissions from each of these facilities were limited to  $Pt$ ; and provided that the emission limitations for each facility are specified in its operation permit. Significant impact levels are defined in 326 IAC 2-3-2(d).

(c) The emission limitations for those indirect heating facilities which began operation after June 8, 1972, and before September 21, 1983, and those facilities which receive permits to construct prior to September 21, 1983, shall be calculated using the equation contained in subsection (a) of this section where:  $Q$ ,  $N$ , and  $h$  shall include the parameters for the facility in question and for those facilities which were previously constructed or received prior permits to construct. The limitations for all previously permitted facilities do not change. The  $Q$ ,  $N$ ,  $h$ , and  $Pt$  for each facility at a source which begins operation or receives a construction permit during this time period will be different.

(d) Particulate emissions from all facilities used for indirect heating purposes which were existing and in operation on or before June 8, 1972, shall in no case exceed 0.8 lb/mmBtu heat input.

(e) Particulate emissions from any facility used for indirect heating purposes which has 250 mmBtu/hr heat input or less and which began operation after June 8, 1972, shall in no case exceed 0.6 lb/mmBtu heat input. (*Air Pollution Control Board; 326 IAC 6-2-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2494; errata filed Feb 9, 1999, 4:05 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-2-4 Emission limitations for facilities specified in 326 IAC 6-2-1(d)**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-10; IC 13-7-11

Sec. 4. (a) Particulate emissions from indirect heating facilities constructed after September 21, 1983 shall be limited by the following equation:

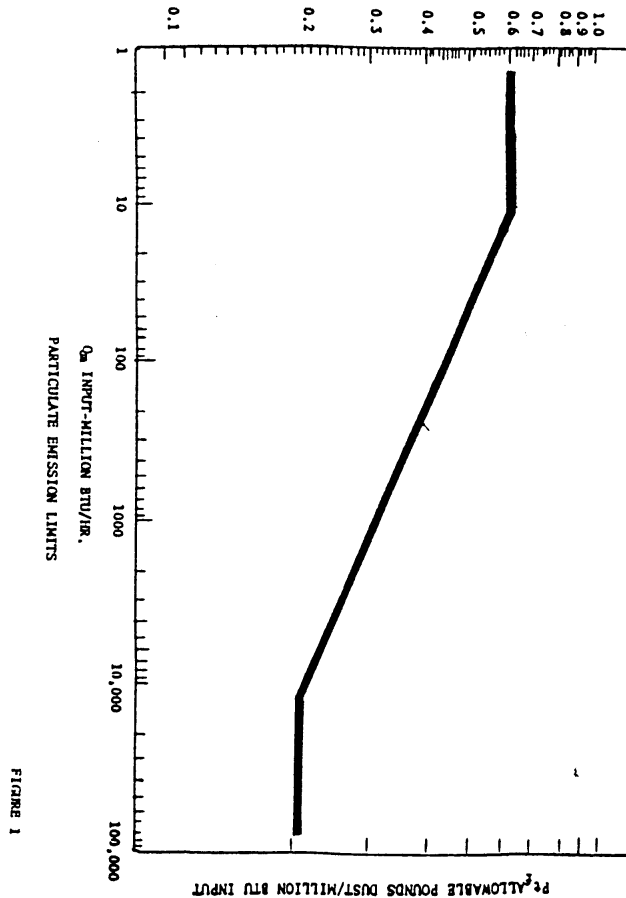
$$Pt = \frac{1.09}{Q^{0.26}}$$

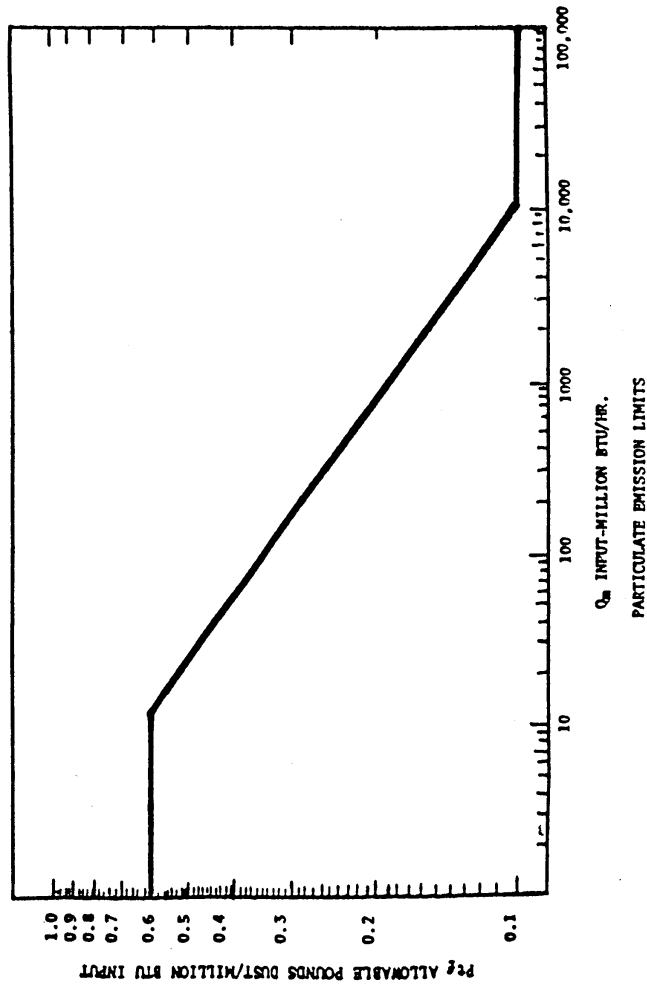
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Where: Pt = Pounds of particulate matter emitted per million Btu (lb/mmBtu) heat input.  
 Q = Total source maximum operating capacity rating in million Btu per hour (mmBtu/hr) heat input. The maximum operating capacity rating is defined as the maximum capacity at which the facility is operated or the nameplate capacity, whichever is specified in the facility's permit application, except when some lower capacity is contained in the facility's operation permit; in which case, the capacity specified in the operation permit shall be used.

For Q less than 10 mmBtu/hr, Pt shall not exceed 0.6. For Q greater than or equal to 10,000 mmBtu/hr, Pt shall not exceed 0.1. Figure 2 may be used to estimate allowable emissions.

(b) As each new indirect heating facility is added to a plant Q will increase. As a result, the emission limitation for each progressively newer facility will be more stringent until the total plant capacity reaches 10,000 mmBtu/hr after which the emission limit for each newer facility will be 0.1 lb/mmBtu heat input. The rated capacities for facilities regulated by 326 IAC 12, New Source Performance Standards, shall be included when calculating Q for subsequent facilities.





(Air Pollution Control Board; 326 IAC 6-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2495; errata filed Feb 9, 1999, 4:05 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

**Rule 3. Particulate Emission Limitations for Manufacturing Processes**

**326 IAC 6-3-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes emission limitations for particulate emissions from manufacturing processes located anywhere in the state.

(b) The following manufacturing processes are exempt from this rule:

- (1) Combustion for indirect heating.
- (2) Incineration.
- (3) Open burning.
- (4) Existing foundry cupolas' manufacturing processes that are subject to the requirements of 326 IAC 11-1.
- (5) Surface coating using dip coating.
- (6) Surface coating using roll coating.

- (7) Surface coating using flow coating.
- (8) Surface coating using brush coating.
- (9) Welding, provided that less than six hundred twenty-five (625) pounds of rod or wire is consumed per day.
- (10) Torch cutting, provided that less than three thousand four hundred (3,400) inches per hour of stock one (1) inch thickness or less is cut.
- (11) Noncontact cooling tower systems.
- (12) Applications of aerosol coating products to repair minor surface damage and imperfections.
- (13) Trivial activities as defined at 326 IAC 2-7-1(40).
- (14) Manufacturing processes with potential emissions less than five hundred fifty-one thousandths (0.551) pound per hour.
- (15) Surface coating manufacturing processes, not otherwise exempt in subdivisions (5) through (8), that use less than five (5) gallons per day.
- (c) This rule shall not apply if a particulate matter limitation established in:
  - (1) 326 IAC 2-2-3, concerning prevention of significant deterioration (PSD) best available control technology (BACT) determinations contained in a permit;
  - (2) 326 IAC 2-3-3, concerning lowest achievable emission rate (LAER) determinations contained in a permit;
  - (3) 326 IAC 6-1, concerning nonattainment area particulate emissions;
  - (4) 326 IAC 11, concerning existing emission limitations for specific operations;
  - (5) 326 IAC 12, concerning new source performance standards; or
  - (6) 326 IAC 20, concerning national emission standards for hazardous air pollutants;

is more stringent than the particulate limitation established in this rule. (*Air Pollution Control Board; 326 IAC 6-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2499; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2367; filed May 13, 2002, 11:30 a.m.: 25 IR 3051*)

**326 IAC 6-3-1.5 Definitions**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 1.5. For purposes of this rule, the following definitions shall govern if there is a conflict between this rule and 326 IAC 1-2:

- (1) "Aerosol coating products" means a mixture of resins, pigments, liquid solvents, and gaseous propellants packaged in a disposable can for hand-held application.
- (2) "Manufacturing process" means any single or series of actions, operations, or treatments in which a mechanical, physical, or chemical transformation of material occurs that emits, or has the potential to emit, particulate in the production of the product. The term includes transference, conveyance, or repair of a product.
- (3) "Particulate" means any finely divided solid or liquid material, other than uncombined water.
- (4) "Particulate matter" has the meaning defined in 40 CFR 60.2\*.
- (5) "Surface coating" means the application of a solvent or waterbased coating to a surface that imparts protective, functional, or decorative films in which the application emits, or has the potential to emit, particulate. "Surface coating" does not include galvanizing.

\*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 6-3-1.5; filed May 13, 2002, 11:30 a.m.: 25 IR 3052*)

**326 IAC 6-3-2 Particulate emission limitations, work practices, and control technologies**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 2. (a) Any manufacturing process listed in subsections (b) through (d) shall follow the work practices and control technologies contained therein. All other manufacturing processes subject to this rule shall calculate emission limitations according to requirements in subsection (e).

- (b) Cement manufacturing kilns commencing operation prior to December 6, 1968, shall not cause, allow, or permit any

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discharge to the atmosphere any gases containing particulate in excess of the following:

- (1)  $E = 8.6 P^{0.67}$ , equal to or below thirty (30) tons per hour of process weight.
- (2)  $E = 15.0 P^{0.50}$ , over thirty (30) tons per hour of process weight.

Where: E = Emission rate in pounds per hour.

P = Process weight rate in tons per hour.

(c) Catalytic cracking units commencing operation prior to December 6, 1968, and equipped with cyclone separators, electrostatic precipitators, or other gas-cleaning systems shall recover ninety-nine and ninety-seven hundredths percent (99.97%) or more of the circulating catalyst or total gas-borne particulate.

(d) Surface coating, reinforced plastics composites fabricating manufacturing processes, and graphic arts manufacturing processes shall be controlled by a dry particulate filter, waterwash, or an equivalent control device, subject to the following:

- (1) The source shall operate the control device in accordance with manufacturer's specifications.
- (2) If overspray is visibly detected at the exhaust or accumulates on the ground, the source shall inspect the control device and do either of the following no later than four (4) hours after such observation:
  - (A) Repair control device so that no overspray is visibly detectable at the exhaust or accumulates on the ground.
  - (B) Operate equipment so that no overspray is visibly detectable at the exhaust or accumulates on the ground.

If overspray is visibly detected, the source shall maintain a record of the action taken as a result of the inspection, any repairs of the control device, or change in operations, so that overspray is not visibly detected at the exhaust or accumulates on the ground. These records must be maintained for five (5) years.

(3) Sources that operate according to a valid permit pursuant to any of:

- (A) 326 IAC 2-7;
- (B) 326 IAC 2-8; or
- (C) 326 IAC 2-9;

are exempt from subdivision (2).

(4) Surface coating manufacturing processes that use less than five (5) gallons of coating per day are exempted as defined in section 1(b)(15) of this rule. At any time the coating application rate increases to greater than five (5) gallons per day, control devices must be in place. A manufacturing process that is subject to this subsection shall remain subject to it notwithstanding any subsequent decrease in gallons of coating used.

(e) Manufacturing processes to which control methods in subsections (b) through (d) do not apply shall calculate allowable emissions as follows:

- (1) No person shall operate any manufacturing process so as to produce, cause, suffer, or allow particulate to be emitted in excess of the amount shown in the table in this subsection. The allowable rate of emission shall be based on the process weight rate for a manufacturing process.
- (2) When the process weight rate is less than one hundred (100) pounds per hour, the allowable rate of emission is five hundred fifty-one thousandths (0.551) pound per hour.
- (3) When the process weight rate exceeds two hundred (200) tons per hour, the allowable emission may exceed that shown in the following table, provided the concentration of particulate in the discharge gases to the atmosphere is less than one-tenth (0.10) pound per one thousand (1,000) pounds of gases:

Allowable Rate of Emission Based on Process Weight Rate <sup>1</sup>					
Process Weight Rate			Process Weight Rate		
		Rate of Emission			Rate of Emission
Pounds Per Hour	Tons Per Hour	Pounds Per Hour	Pounds Per Hour	Tons Per Hour	Pounds Per Hour
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.39	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5



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1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.97	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.1
7,000	3.50	9.49	200,000	100.00	51.3
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

\*<sup>1</sup>Interpolation of the data in this table for process weight rates up to sixty thousand (60,000) pounds per hour shall be accomplished by use of the equation:

$$E = 4.10 P^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of sixty thousand (60,000) pounds per hour shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40$$

Where: E = Rate of emission in pounds per hour.

P = Process weight rate in tons per hour.

*(Air Pollution Control Board; 326 IAC 6-3-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2499; filed May 13, 2002, 11:30 a.m.: 25 IR 3052)*

**Rule 4. Fugitive Dust Emissions**

**326 IAC 6-4-1 Applicability of rule**

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

Affected: IC 13-1-1

Sec. 1. This rule (326 IAC 6-4) shall apply to all sources of fugitive dust. For the purposes of this rule (326 IAC 6-4), "fugitive dust" means the generation of particulate matter to the extent that some portion of the material escapes beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located. *(Air Pollution Control Board; 326 IAC 6-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2499; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1605)*

**326 IAC 6-4-2 Emission limitations**

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

Affected: IC 13-1-1

Sec. 2. A source or sources generating fugitive dust shall be in violation of this rule (326 IAC 6-4) if any of the following criteria are violated:

(1) A source or combination of sources which cause to exist fugitive dust concentrations greater than sixty-seven percent (67%) in excess of ambient upwind concentrations as determined by the following formula:

$$P = \frac{100 (R - U)}{U}$$

P = Percentage increase

R = Number of particles of fugitive dust measured at downward receptor site

U = Number of particles of fugitive dust measured at upwind or background site

(2) The fugitive dust is comprised of fifty percent (50%) or more respirable dust, then the percent increase of dust concentration in subdivision (1) of this section shall be modified as follows:

$$P_R = (1.5 \pm N) P$$

Where N = Fraction of fugitive dust that is respirable dust;

$P_R$  = allowable percentage increase in dust concentration above background; and

P = no value greater than sixty-seven percent (67%).

(3) The ground level ambient air concentrations exceed fifty (50) micrograms per cubic meter above background concentrations for a sixty (60) minute period.

(4) If fugitive dust is visible crossing the boundary or property line of a source. This subdivision may be refuted by factual data expressed in subdivisions (1), (2) or (3) of this section.

*(Air Pollution Control Board; 326 IAC 6-4-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1605)*

### **326 IAC 6-4-3 Multiple sources of fugitive dust**

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

Affected: IC 13-1-1

Sec. 3. (a) The allowable particles shall refer to the total of all particles leaving the boundaries or crossing the property lines of any source of fugitive dust regardless of whether from a single operation or a number of operations. If the source is determined to be comprised of two (2) or more legally separate persons, each shall be held proportionately responsible on the basis of contributions by each person as determined by microscopic analysis. In such cases, samples shall be taken downwind from the combination of sources and at the fence line of each source.

(b) No source which is contributing to a combined downwind fugitive dust concentration in excess of the limits of this rule (326 IAC 6-4) shall be required to reduce emissions if the concentrations at his property line are in compliance, unless all contributors are individually in compliance and a combined fugitive dust concentration still exceeds the limits of this rule (326 IAC 6-4). Each source shall then be required to reduce its emissions by like percentages to achieve an acceptable combined downwind concentration.

(c) When all contributors are individually in compliance and no nuisance to the surrounding community is created, the commissioner may waive the requirement for further reduction in emissions by combined contributors. *(Air Pollution Control Board; 326 IAC 6-4-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1605)*

### **326 IAC 6-4-4 Motor vehicle fugitive dust sources**

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

Affected: IC 13-1-1

Sec. 4. No vehicle shall be driven or moved on any public street, road, alley, highway, or other thoroughfare, unless such vehicle is so constructed as to prevent its contents from dripping, sifting, leaking, or otherwise escaping therefrom so as to create conditions which result in fugitive dust. This section applies only to the cargo any vehicle may be conveying and mud tracked by the vehicle. *(Air Pollution Control Board; 326 IAC 6-4-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1606)*

### **326 IAC 6-4-5 Measurement processes**

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

Affected: IC 13-1-1

Sec. 5. (a) Particle quantities and sizes will be measured by manual microscopic analysis of a dustfall sample collected on a sticky slide, or by use of commercially available particle counting devices which count and classify particles by micron size range, or other methods acceptable to the commissioner.

(b) Ambient air concentrations shall be measured using the standard hi volume sampling and analysis techniques as specified by 40 C.F.R. 50\*.

(c) Observations by a qualified representative of the commissioner of visible emissions crossing the property line of the source at or near ground level.

\*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 6-4-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1125; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1606*)

**326 IAC 6-4-6 Exceptions**

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

Affected: IC 13-1-1

Sec. 6. The following conditions will be considered as exceptions to this rule (326 IAC 6-4) and therefore not in violation:

(1) Release of steam not in combination with any other gaseous or particulate pollutants unless the condensation from said steam creates a nuisance or hazard in the surrounding community.

(2) Fugitive dust from publicly maintained unpaved thoroughfares where no nuisance or health hazard is created by its usage or where it is demonstrated to the commissioner that no means are available to finance the necessary road improvements immediately. A reasonable long-range schedule for necessary road improvements must be submitted to support the commissioner's granting such an exception.

(3) Fugitive dust from construction or demolition where every reasonable precaution has been taken in minimizing fugitive dust emissions.

(4) Fugitive dust generated from agricultural operations providing every reasonable precaution is taken to minimize emissions and providing operations are terminated if a severe health hazard is generated because of prevailing meteorological conditions.

(5) Visible plumes from a stack or chimney which provide adequate dispersion and are in compliance with other applicable rules.

(6) Fugitive dust from a source caused by adverse meteorological conditions.

(*Air Pollution Control Board; 326 IAC 6-4-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1606*)

**326 IAC 6-4-7 Compliance date**

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

Affected: IC 13-1-1

Sec. 7. All sources must comply with this rule (326 IAC 6-4) as soon as practicable but no later than July 1, 1974. (*Air Pollution Control Board; 326 IAC 6-4-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501; readopted filed Dec 26, 2001, 2:57 p.m.: 25 IR 1606*)

**Rule 5. Fugitive Particulate Matter Emission Limitations**

**326 IAC 6-5-1 Applicability**

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

Affected: IC 13-15; IC 13-17

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

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

(2) Secondary nonattainment areas as follows:

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

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

(C) The portions of Marion County included in Center and Wayne Townships, the portion of Decatur Township located

east and north of I-465, and the portion of Perry Township located north of I-465.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\*\*This document is incorporated by reference. Copies may be obtained from Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 20401 [sic., 46204]. (*Air Pollution Control Board; 326 IAC 6-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2367; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1599*)

**326 IAC 6-5-2 Definitions**

Authority: IC 13-1-1-4

Affected: IC 13-1-1; IC 13-7-1-22

Sec. 2. Terms used in this rule (326 IAC 6-5) are defined as set forth in this section.

"As needed basis" means the frequency of application necessary to minimize visible particulate matter emissions as defined in the control plan.

"Fugitive particulate matter emissions" means particulate matter which is emitted from any source by means other than a stack.

"Paved road" means any asphalt or concrete surfaced thoroughfare or right-of-way designed or used for vehicular traffic and located on the property of, or owned by, an individual or company.

"Potential emissions" means fugitive particulate matter emissions calculated after the application of air pollution control

measures or air pollution control equipment.

“Unpaved roads” means any surfaced thoroughfare or right-of-way, other than a paved road as defined above, which is designed or used for vehicular traffic located on the property of, or owned by an individual or company. (*Air Pollution Control Board; 326 IAC 6-5-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2502; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-5-3 Submission of control plan**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 3. (a) Sources specified in 326 IAC 6-5-1(a) shall submit a fugitive particulate matter emissions control plan or request an exemption from the control plan within six (6) months following December 13, 1985.

(b) A control plan or request for an exemption from the control plan shall be included in all permit applications and submitted to the commissioner by those sources specified in 326 IAC 6-5-1(b).

(c) Any control practice or measure has been used to determine applicability or exemption of this rule (326 IAC 6-5) shall be incorporated into the source's operating permit. (*Air Pollution Control Board; 326 IAC 6-5-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2502; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-5-4 Control measures**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-2

Sec. 4. Fugitive particulate matter emissions resulting from the emission points specified in this section shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). All control measures specified in this section shall be considered reasonably available control measures (RCM). The frequency of application for all control measures shall be detailed in each control plan. No control plan shall contain control measures which violate the provisions of the Indiana statutes or the rules of any other state agency.

(a) Paved roads, unpaved roads, and parking lots. Fugitive particulate matter emissions resulting from paved roads, unpaved roads, and parking lots shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

(1) Paved roads and parking lots:

- (A) Cleaning by vacuum sweeping.
- (B) Flushing.
- (C) An equivalent alternate measure.

(2) Unpaved roads and parking lots:

- (A) Paving with a material such as asphalt or concrete.
- (B) Treating with a suitable and effective oil or chemical dust suppressant approved by the commissioner. The frequency of application shall be on an as needed basis.
- (C) Spraying with water, the frequency of application shall be on an as needed basis.
- (D) Double chip and seal the road surface and maintain on an as needed basis.
- (E) An equivalent alternate measure.

(b) Open aggregate piles:

(1) Measures to control fugitive particulate matter emissions shall be required for open aggregate piles consisting of material such as, but not limited to, sand, gravel, stone, grain, and coal and which material is finer than two hundred (200) mesh size equal to or greater than one percent (1%) by weight. Open aggregate material mesh size shall be determined by the “American Association of State Highway and Transportation Officials Test Method T27-74,” or other equivalent procedures acceptable to the commissioner.

(2) Fugitive particulate matter emissions resulting from open aggregate piles consisting of such material as, but not limited to, sand, gravel, stone, grain, and coal shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (A) Cleaning the area around the perimeter of the aggregate piles.
- (B) Application of a suitable and effective oil or other dust suppressant on an as needed basis.
- (C) An equivalent alternate measure.

(c) Fugitive particulate matter emissions resulting from outdoor conveying of aggregate material such as, but not limited to, sand, gravel, stone, grain, and coal, by equipment such as belt conveyors and bucket elevators shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Enclosing the conveyor belt totally on the top and sides as needed to minimize visible emissions. Also, if needed, exhausting emissions to particulate control equipment during operation of conveyor.
- (2) Applying water or suitable and effective chemical dust suppressant at the feed and/or intermediate points as needed to minimize visible emissions.
- (3) An equivalent alternate measure.

(d) Fugitive particulate matter emissions resulting from the transferring of aggregate material shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Minimizing the vehicular distance between the transfer points.
- (2) Enclosing the transfer points and if needed exhausting emissions to particulate control equipment during the operation of the transferring system.
- (3) Application of water or suitable and effective chemical dust suppressant as needed to minimize visible emissions.
- (4) An equivalent alternate measure.

(e) Fugitive particulate matter emissions resulting from transportation of aggregate material by truck, front end loaders, or similar vehicles shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Use of completely enclosed vehicles.
- (2) Tarping the vehicle.
- (3) Maintaining the vehicle body in such a condition that prevents any leaks of aggregate material.
- (4) Spraying the materials in the vehicle with a suitable and effective dust suppressant.
- (5) An alternate measure.

(f) Fugitive particulate matter emissions resulting from the loading and unloading operations of the material from storage facilities such as bins, hoppers, and silos, onto or out of vehicles, shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Enclosure of the material loading/unloading area.
- (2) Total or partial enclosure of the facility and exhausting of emissions to particulate collection equipment. Such equipment shall be approved by the board.
- (3) Spraying with water or suitable and effective chemical dust suppressant as needed to minimize visible emissions.
- (4) Reduction of free fall distance.
- (5) An equivalent alternate measure.

(g) Solid waste handling. Fugitive particulate matter emission resulting from activities involving solid waste (as defined in IC 13-7-1-2(10)) disposal shall be controlled unless exempted pursuant to 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Hauling
  - (A) Wet suppression of the material being transported.
  - (B) Hauling the material enclosed or covered.
  - (C) Minimizing the free fall distance when unloading from the particulate collection equipment and/or process equipment onto the hauling vehicle.
  - (D) An equivalent alternate measure.

- (2) Dumping
  - (A) Applying water or suitable and effective chemical dust suppressant on an as needed basis to minimize visible emissions.
  - (B) Minimizing the free fall distance of the material.
  - (C) An equivalent alternate measure.

(h) Fugitive particulate matter emissions resulting from material handling operations such as crushing, grinding, screening, and mixing shall be controlled unless exempted by 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

- (1) Wet suppression.
- (2) Enclosure of emission source with venting of emissions to a fabric filter.
- (3) An equivalent alternate measure.

(i) Provisions of this section are applicable in preventing particulate matter from escaping through building openings such as doors, windows, powered or unpowered ventilators, roof monitors, other than a stack as defined in 326 IAC 1-2-74, from sources subject to 326 IAC 6-5. However, grain elevators subject to the provisions of this section shall provide for good housekeeping and good maintenance procedures as set forth in 326 IAC 6-1-2(d)(2).

(1) Fugitive particulate matter emissions escaping through building openings set forth above shall be controlled unless exempted by 326 IAC 6-5-7(d). Sources may use one or more of the following measures:

(A) Installing a removable filter over appropriate building openings.

(B) Capturing emissions within the building by a proper hood system and conveying through a duct to particulate collection system approved by the commissioner.

(C) An in-house operating and procedure maintenance program consisting of:

(i) Proper maintenance of the process equipment and particulate collection system approved by the commissioner.

(ii) Substitution of the process equipment, material, and/or operating procedure that will minimize visible emissions.

(D) An equivalent alternate measure.

*(Air Pollution Control Board; 326 IAC 6-5-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2502; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 6-5-5 Contents of control plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 5. (a) The fugitive particulate matter emission control plan shall be in writing and shall include, at a minimum, the following information:

(1) Name and address of the source.

(2) Name and address of the owner or operator responsible for the execution of the control plan.

(3) Identification of all processes, operations, and areas which have the potential to emit fugitive particulate matter in accordance with 326 IAC 6-5-4.

(4) A map of the source showing aggregate pile areas, access areas around the aggregate pile, unpaved roads, paved roads, parking lots and location of conveyor and transfer points, etc.

(5) The number and mix of vehicular activity occurring on paved roads, unpaved roads, and parking lots.

(6) Type and quantity of material handled.

(7) Equipment used to maintain aggregate piles.

(8) A description of the measures to be implemented to control fugitive particulate matter emissions resulting from emission points identified in subdivision (3).

(9) A specification of the dust suppressant material, such as oil or chemical including the estimated frequency of application rates and concentrations.

(10) A specification of the particulate matter collection equipment used as a fugitive particulate matter emission control measure.

(11) A schedule of compliance with the provisions of the control plan. Such schedule shall specify the amount of time the source requires to award any necessary contracts, commence and complete construction, installation, or modification of the fugitive particulate matter emission control measures.

(12) Other relevant data that may be requested by the commissioner, to evaluate the effectiveness of the control plan.

(b) Records shall be kept and maintained which document all control measures and activities to be implemented in accordance with the approved control plan. Said records shall be available upon the request of the commissioner, and shall be retained for three (3) years. *(Air Pollution Control Board; 326 IAC 6-5-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2504; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 6-5-6 Commencement of plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 6. All sources subject to this rule (326 IAC 6-5) shall have an approved control plan and shall start said plan: (a) Within twelve (12) months after December 13, 1985, or as otherwise specified in the approved plan, by sources located in primary nonattainment areas for total suspended particulate matter.

(b) As expeditiously as possible, but no later than December 31, 1989, or as otherwise specified in the approved plan, by sources located in secondary nonattainment areas for total suspended particulate matter.

(c) The date operation commences for new sources. (*Air Pollution Control Board; 326 IAC 6-5-6; filed Mar 10, 1988, 1:20 pm; 11 IR 2504; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-5-7 Approval of plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 4-21.5; IC 4-22-1; IC 13-1-1

Sec. 7. (a) Within three (3) months of receiving a control plan, the commissioner shall notify the source of:

(1) the approval of the control plan or request for an exemption;

(2) improvements that the commissioner deems necessary to the control plan; or

(3) disapproval of the control plan or request for an exemption.

(b) If the commissioner finds a control plan or request for an exemption from the control plan to be incomplete, the applicant shall provide the board the required additional information.

(c) The commissioner shall approve control plans which contain any RCM specified in 326 IAC 6-5-4. In determining if (i) an alternate control measure represents a RCM, or (ii) exemptions from control plans are acceptable, the source shall submit and the commissioner shall consider information pertaining to factors, including, but not limited to the following:

(1) the impact on the environment in terms of any increase in water, air, or solid waste pollution emissions;

(2) the energy requirements of the selected control measure;

(3) the capital expenditure, impact on production, and operating costs to implement the selected control measure;

(4) the impact of these costs on the source; and

(5) any adverse worker or product safety implications of the selected control measure.

(d) Sources that demonstrate to the satisfaction of the commissioner either that their fugitive emissions are not significantly impacting the air quality outside their property line or that the cost of controlling their fugitive emissions is not commensurate with the degree of air quality improvement to be achieved by implementing control measures pursuant to this rule (325 IAC 6-5 [*sic.*, 326 IAC 6-5]) shall be exempted from implementing such controls.

(e) If a control plan or request for an exemption from the plan is disapproved by the commissioner, the applicant shall have up to fifteen (15) days from the date of receipt of the disapproval letter to request, in writing, a hearing on the matter. In the event a hearing is requested, it shall be held in accordance with the requirements set forth in IC 4-22-1 or IC 4-21.5 and the burden of proof shall lie with the applicant to demonstrate why the control plan or request for an exemption from the plan is appropriate.

(f) The control plan or exemption approved by the commissioner shall become part of the source's operation permit. (*Air Pollution Control Board; 326 IAC 6-5-7; filed Mar 10, 1988, 1:20 pm; 11 IR 2505; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-5-8 Revision of control plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 8. The control plan shall be updated at the time of reapplication for the source's operation permit or as required in 326 IAC 2. (*Air Pollution Control Board; 326 IAC 6-5-8; filed Mar 10, 1988, 1:20 pm; 11 IR 2505; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-5-9 Commissioner discretion**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 9. Any discretionary action taken by the commissioner in accordance with this rule (326 IAC 6-5) shall be established



as a revision to the Indiana state implementation plan. (*Air Pollution Control Board; 326 IAC 6-5-9; filed Mar 10, 1988, 1:20 pm: 11 IR 2505; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 6. Source Specific and Facility Emission Limitations for TSP in Porter County**

**326 IAC 6-6-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 1. This rule is effective December 7, 1984. Sources and facilities specifically listed in sections 4 and 5 of this rule shall comply with the limitations contained therein. Sources and facilities subject to this rule are exempt from the requirements of 326 IAC 6-1, 326 IAC 6-2, 326 IAC 6-3, 326 IAC 6-4, and 326 IAC 6-5. (*Air Pollution Control Board; 326 IAC 6-6-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2505; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2368; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600*)

**326 IAC 6-6-2 Methods to determine compliance**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-5-1; IC 13-7-7-2

Sec. 2. (a) This section applies to the emission limitations contained in 326 IAC 6-6-4.

(b) All lb/ton (pound per ton) emission factor limits are expressed as “pounds of particulate emissions per ton of product” unless otherwise stated. By-products which may be sold as product shall not be included under the term “product.”

(c) All lb/MMBtu (pounds per million Btu) emission factor limits are expressed as “pounds of particulate emissions per million Btu of fuel(s) fired in the source” unless otherwise stated.

(d) Fuel usage data may be used to determine compliance for any non-fossil-fuel-fired source and any fossil fuel-fired source that does not have a gas cleaning device which is used to reduce particulate emissions to the atmosphere, provided that the following procedures are followed:

(1) The owner/operator shall collect fuel usage data at least once per month and shall record them in a log which is readily available for inspection. Records must be retained for two (2) years from the date of collection.

(2) The following fuel usage data shall be recorded for each source monthly:

- (A) number of hours in operation;
- (B) cubic feet of each gaseous fuel fired;
- (C) gallons of each liquid fuel fired;
- (D) pounds of each solid fuel fired.

(3) Compliance shall be determined using the equations in Table 1. An equivalent alternate method may be used with prior approval of the commissioner.

TABLE 1. Fuel Use Equations

(i) For sources with emission limits expressed in lb/hr:

$$\frac{(F_1 \times E_1) + \dots + (F_i \times E_i)}{\text{Total hours of operation}} = T_t$$

Where:  $F_1$  through  $F_i$  = the quantities (e.g., million cu. ft.) of each fuel type used in one (1) month.  
 $E_1$  through  $E_i$  = the emission factors (e.g., lb/million cu.ft.) corresponding to the fuel types used; the most recent emissions factors obtained by the procedures required by subdivision (d)(4) of this section shall be used.

$T_t$  = Total emissions in lbs/hr.

(ii) For sources with short-term emission limits expressed in lb/MMBtu:

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$$\frac{(F_1 \times E_1) + \dots (F_i \times E_i)}{(F_1 \times H_1) + \dots (F_i \times H_i)} = T_h$$

Where:  $F_1$  through  $F_i$  = the quantities (e.g., million cu.ft.) of each fuel type used in one (1) month.  
 $H_1$  through  $H_i$  = the heat content factors (e.g., BTU/cu.ft.) corresponding to the fuel types used; the most recent heat content factors obtained by the procedures required by subdivision (d)(4) of this section shall be used.  
 $E_1$  through  $E_i$  = the emission factors (e.g., lb/million cu.ft.) corresponding to the fuel types used; the most recent emissions factors obtained by the procedures required by subdivision (d)(4) of this section shall be used.

$T_h$  = Total emissions in lbs/MMBtu.

(4) Once each calendar quarter the owner/operator shall conduct sampling and analysis to determine the heat content factors (i.e.,  $H_i$ ) contained in the equations set forth in this subsection.

Once each calendar quarter the owner/operator shall conduct sampling and analysis to determine the sulfur content of No. 6 fuel oil and shall calculate the emission factor for this fuel using the following equation:

$$(10)S + 3 = EF$$

Where  $EF$  = the particulate emission factor for No. 6 fuel oil (i.e., lb/1,000 gal.)

$S$  = percent sulfur in the fuel, by weight.

The sampling and test methodologies used must be approved by the commissioner. The most recent No. 6 fuel oil emission factor obtained using the above procedure shall be used in emission rate calculations. The emission factors used for fuels other than No. 6 fuel oil shall be as follows:

<u>Fuel</u>	<u>Emission Factor</u>
Natural Gas	5.0 lbs per MM SCF
Blast Furnace Gas	1.5 lbs per MM SCF
Coke Oven Gas	6.6 lbs per MM SCF
Propane	0.44 lbs per 1,000 gallons
Waste Oil	8.8 lbs per 1,000 gallons
No. 2 Fuel Oil	2.0 lbs per 1,000 gallons

(5) Within thirty (30) days of the end of each monthly monitoring period the owner/operator shall calculate the pounds of particulate matter emitted per hour, or lb/MMBtu as applicable from each source using the equation given in this subsection. Results of these calculations must be retained for two (2) years. An equivalent alternate method and/or frequency may be used with the prior approval of the commissioner.

(6) A list of those sources which will rely on fuel usage data to determine compliance with their emission limitations is shown in Table 2:

TABLE 2. List of Sources Using Fuel Use Data to Determine Compliance with Particulate Emissions Limitations

- Blast Furnace Stoves
- Blast Furnace Flare
- BOF Shop FM Boiler
- Slab Mill Soaking Pits (32)
- Slab Mill Soaking Pits (4)
- Plate Mill Furnace No. 1 and Boiler No. 1
- Plate Mill Furnace No. 2 and Boiler No. 3
- 160 Inch Plate Mill Boiler No. 2
- 160 Inch Plate Mill Boiler No. 4
- 160 Inch Plate Mill Furnaces No. 1 and 2
- 160 Inch Plate Mill In and Out Furnaces No. 4 and 5
- 160 Inch Plate Mill In and Out Furnaces No. 6 and 7
- 160 Inch Plate Mill In and Out Furnace No. 8
- 110 Inch Plate Mill Normalizing Furnace

160 Inch Plate Mill Heat Treating Furnace  
80 Inch Hot Strip Mill Furnace No. 1  
80 Inch Hot Strip Mill Furnace No. 2  
80 Inch Hot Strip Mill Furnace No. 3  
Continuous Anneal Furnace  
Batch Anneal Furnaces (24)  
Continuous Anneal Preheating  
Continuous Anneal Heating and Soaking  
Continuous Anneal Reheating  
Power Station Boiler Nos. 8, 9, 10, 11, and 12  
Power Station Boiler No. 7

(7) Within thirty (30) days of the end of each calendar quarter the owner/operator shall submit to the commissioner a written report of any emissions exceeding the applicable limits and the nature and cause of the excess emissions, if known.

(e) When required by the commissioner the owner/operator shall make any stack modifications necessary to permit a stack test in accordance with 40 CFR 60, Appendix A, Methods 1-5.

(1) List of sources for which stack tests are required to determine compliance with particulate emission limitations

The BOF shop: Nos. 1 and 2 Vessel Scrubber stacks (three (3) stacks) shall be tested once in each four (4) year period.

The sinter plant windbox scrubber stack shall be tested once in each two (2) year period.

The sinter plant dedusting baghouse stack shall be tested once in each two (2) year period.

The coke oven battery nos. 1 and 2 pushing emissions control system stacks (two (2) stacks) shall be tested once in each four (4) year period.

(f) If a compliance determination based on fuel usage data does not agree with a compliance determination based on stack test data, the determination based on stack test data shall govern. Stack test data may reflect a total sampling time of less than twenty-four (24) hours and be acceptable for such a compliance determination.

(g) Application for an alternative source-specific opacity limit may not be based on fuel usage data.

(h) Stack tests of fossil-fuel-fired sources shall include soot blowing at a frequency that is representative of normal operations.

(i) Compliance with the coke quenching water quality limits shall be determined according to the procedures given below:

(1) The water as applied to the coke shall be sampled once per calendar quarter. Samples shall be collected once per day per tower for five (5) consecutive days and shall be composited into one (1) sample for each tower.

(2) Each composite sample shall be analyzed for total dissolved solids (TDS), in accordance with ASTM D-1888-78, Method A or an equivalent method approved by the commissioner, with the results expressed in milligrams per liter (mg/l).

(3) Compliance shall be determined on the basis of the results of the composite sample for each tower. Alternate testing and/or analysis intervals may be used with prior approval of the board.

(j) Compliance with applicable particulate emission limitations for stack sources for which compliance is not based on fuel monitoring shall be determined on the basis of opacity observations performed in accordance with 326 IAC 5-1. The following exceptions to 326 IAC 5-1 shall apply:

(1) When observing visible emissions, the observer may choose not to position himself with the sun in the one hundred forty (140) degree sector at his back provided the day is cloudy or overcast, causing the sun to be hidden from the observer.

(2) When determining an average opacity, the readings immediately preceding and following any interference or exceptions, as allowed by the limit, shall be deemed consecutive.

(3) Compliance with emission limits for baghouse discharges shall be determined as follows:

Visible emissions in excess of an average twenty percent (20%) opacity in twenty-four (24) consecutive readings shall constitute evidence of a violation of the applicable particulate emission limit. The commissioner may require a stack test performed in accordance with 40 CFR 60, Methods 1-5, to verify the mass emission rate.

(4) The commissioner may require stack tests in addition to the specific requirements of this rule (326 IAC 6-6). When such testing is required, the owner/operator shall permit the performance of stack tests in accordance with 40 CFR 60, Appendix A, Methods 1-5.

(k) Alternative opacity as provided for in 326 IAC 5-1-5 shall not apply to groups of sources collectively subject to a single mass emission limit.

(l) When compliance testing is required for those groups of sources collectively subject to a single mass emission limit, the testing need not be conducted simultaneously.

(m) Any revision to this rule (326 IAC 6-6) and the technical support document must be submitted to the U.S. EPA as a revision of the state implementation plan.

(n) In determining compliance for coke oven pushing, charging, oven door leaks, and charging lid and off-take leaks, the requirements specified under 326 IAC 11-3 shall govern. The mass emission limits for these sources given in this rule (326 IAC 6-6) shall be used only for the purpose of determining emission offsets resulting from source shutdown.

(o) Testing required by the commissioner to determine the amount of particulate matter emitted from any non-stack source or facility subject to the requirements of this rule (326 IAC 6-6) shall be conducted in accordance with procedures approved by the commissioner.

\*Copies of the Code of Federal Regulations (CFR) referenced in 326 IAC 6-6 may be obtained from the Government Printing Office, Washington, D.C. 20402. (*Air Pollution Control Board; 326 IAC 6-6-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2506; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-6-3 Compliance time tables**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-2

Sec. 3. (a) All services and facilities subject to the requirements of this rule (326 IAC 6-6) shall be in compliance by December 22, 1984.

(b) In cases where an existing service and facility cannot comply by December 22, 1984, the source or facility shall submit to the commissioner a letter of intent to comply with this rule (326 IAC 6-6) as expeditiously as possible as well as a compliance plan including the following milestone dates:

- (1) submittal of plans;
- (2) start construction;
- (3) completion of construction;
- (4) achieving compliance; and
- (5) submit performance results.

Once the commissioner has approved a source or facilities' compliance plan, the plan shall be incorporated into the source or facilities' operation permit and shall be submitted to the U.S. EPA as a SIP revision. Failure to operate within these conditions shall be considered a violation of this rule (326 IAC 6-6).

(c) If emission limitations for a source or facility are added to 326 IAC 6-6-4 or 326 IAC 6-6-5 after the original promulgation date hereof or the emission limit applicable to a source or facility is made more stringent by reason of amendments to this rule (326 IAC 6-6), then such source shall achieve compliance as soon as practicable but not later than specified by the following schedule:

- (1) Submittal of plans and specifications within six (6) months after the date the source becomes subject to the terms hereof, or the effective date of the amended rule imposing a stricter limit (whichever date is applicable to a particular source is hereafter referred to as the "effective date").
- (2) Initiation of on-site construction or installation within twelve (12) months after the effective date.
- (3) Completion of on-site construction or installation within twenty-four (24) months after the effective date.
- (4) Achievement of compliance within twenty-eight (28) months after the effective date.
- (5) Submittal of performance results within thirty (30) months of the effective date.

An owner or operator may submit a petition to the commissioner to establish an extended schedule for compliance with this section. The petition shall include both a demonstration that compliance cannot be achieved in accordance with this section and milestone dates for purchases or construction necessary to achieve compliance. The petition, if approved by the commissioner, shall be submitted to the U.S. EPA as a revision to the SIP. (*Air Pollution Control Board; 326 IAC 6-6-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2508; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 6-6-4 Bethlehem Steel Corporation specific source and facility TSP emission limits**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. The annual particulate matter emissions of each of the following facilities shall not exceed the limit listed below for that facility.

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<u>Facility Description</u>	<u>Annual Particulate Matter Emission Limits</u>
Blast Furnace Casting	(1) 0.6 lb/ton of iron (2) No opacity limit shall apply to Blast Furnace Casting
Blast Furnace Stoves	0.016 lb/MMBTU
Blast Furnace Flare	0.017 lb/MMBTU
Blast Furnace Car Dumper Baghouse	20.6 lb/hr.
Coke Oven Battery No. 1 Underfiring	0.129 lb/ton of coal
Coke Oven Battery No. 2 Underfiring	0.129 lb/ton of coal
Coke Oven Battery Charging, Lids, Offtakes, Collector Mains, Doors, Pushing and Quenching	(326 IAC 11-3 applies)
Coke Plant Material Handling Baghouses:	
Breaker Building Exhaust N	2.1 lb/hr.
Breaker Building Exhaust S	2.1 lb/hr.
Transfer Baghouse J-25	0.5 lb/hr.
Transfer Baghouse J-26	0.5 lb/hr.
Breaker Building Baghouse	1.2 lb/hr.
Sinter Plant Windbox Scrubber	0.277 lb/ton of sinter
Sinter Plant Dedusting Baghouse	42.9 lb/hr.
Sinter Plant Mixing Drum Scrubber	4.7 lb/hr.
BOF Shop—No. 1 & 2 Vessel Scrubber Stacks (three stacks collectively restricted to limit)	0.09 lb/ton of liquid steel
BOF Shop—Nos. 1 & 2 Vessel Charging and Tapping	0.35 lb/ton of liquid steel
BOF Shop—No. 3 Vessel Scrubber Stack	0.022 grains/DSCF
BOF Shop—No. 3 Vessel Charging and Tapping	0.05 lb/ton of liquid steel
BOF Shop FM Boiler	0.005 lb/MMBTU
BOF Shop Teeming	0.07 lb/ton of liquid steel
BOF Shop Reladling Baghouse	23.1 lb/hr.
BOF Shop Desulfurization Baghouse	6.0 lb/hr.
BOF Shop Material Handling Baghouses:	
Track Hopper Building Baghouse	1.2 lb/hr.
H1 Baghouse	0.6 lb/hr.
H2 Baghouse	0.6 lb/hr.
No. 1 Furnace Bin Baghouse	1.7 lb/hr.
No. 2 Furnace Bin Baghouse	1.7 lb/hr.
No. 1 Furnace Weigh Hopper Baghouse	2.2 lb/hr.
No. 2 Furnace Weigh Hopper Baghouse	2.2 lb/hr.
Continuous Casters	0.015 lb/ton of liquid steel cast
Slab Mill Scarfer	22.6 lb/hr.
No. 1 Roll Shop Baghouse (two stacks collectively restricted to limit)	1.7 lb/hr.
No. 2 Roll Shop Baghouse	0.7 lb/hr.
Slab Mill Soaking Pits (32)	0.014 lb/MMBTU
Slab Mill Soaking Pits (4)	0.014 lb/MMBTU
Plate Mill Furnace No. 1 and Boiler No. 1	0.082 lb/MMBTU
Plate Mill Furnace No. 2 and Boiler No. 3	0.082 lb/MMBTU
160 Inch Plate Mill Boiler No. 2	0.082 lb/MMBTU
160 Inch Plate Mill Boiler No. 4	0.082 lb/MMBTU
110 Inch Plate Mill Furnaces No.1 and 2	0.080 lb/MMBTU
160 Inch Plate Mill In & Out Furnaces No. 4 and 5	0.088 lb/MMBTU
160 Inch Plate Mill In and Out Furnaces No. 6 and 7	0.088 lb/MMBTU

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160 Inch Plate Mill In & Out Furnaces No. 8	0.081 lb/MMBTU
110 Inch Plate Mill Normalizing Furnace	0.015 lb/MMBTU
160 Inch Plate Mill Heat Treating Furnace	0.005 lb/MMBTU
80 Inch Hot Strip Mill Furnace No. 1	0.085 lb/MMBTU
80 Inch Hot Strip Mill Furnace No. 2	0.084 lb/MMBTU
80 Inch Hot Strip Mill Furnace No. 3	0.084 lb/MMBTU [sic.]
Continuous Anneal Furnace	0.005 lb/MMBTU
Batch Annealing Furnaces (24)	0.015 lb/MMBTU
Continuous Anneal Preheating	0.005 lb/MMBTU
Continuous Anneal Heating & Soaking	0.005 lb/MMBTU
Continuous Anneal Reheating	0.005 lb/MMBTU
Power Station Boiler Nos. 8, 9, 10, 11, and 12	Collective limit of 0.088 lb/MMBTU
Power Station Boiler No. 7	0.10 lb/MMBTU

*(Air Pollution Control Board; 326 IAC 6-6-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2509; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 6-6-5 Bethlehem Steel Corporation fugitive dust control strategy**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 5. (a) In order to implement its nontraditional fugitive dust control program, Bethlehem shall purchase a high pressure water flushing truck and a tractor sweeper with broom and install a water filling station for the flusher truck and a tank for the storage and dispensing of liquid chemical dust retardant. The following control measures shall then be implemented at the Burns Harbor Plant at the specified frequency.

(1) A total of twenty-four (24) miles of paved and unpaved roads as shown in Figure 1 shall be controlled as described below:

(A) A total of 12.7 miles of paved roads shall be cleaned three (3) times per week by water washing using a flusher truck except as indicated in subsection (a)(4) of this section. In addition, at least twice per week, 7.9 miles of these roads in the primary facilities area will also be wet swept using a tractor mounted broom following the flusher truck. Road shoulders on the 12.7 miles of paved roads will be graded as required and treated with a chemical dust retardant at the same frequency specified below for unpaved roads. Accumulated material on road shoulders will be removed at least once per month.

(B) A total of 11.3 miles of unpaved roads shall be controlled. This will consist of forming a uniform road surface by road grading to remove large material, and the application of a two (2) to four (4) inch layer of fine slag where necessary. Surfaces shall be sprayed with dust suppressant solution at an application rate consistent with the manufacturer's recommendations. The dust suppressant material and application rate shall be such that a crust will be formed on the road surface that is amenable to cleaning via flushing and sweeping. Road surfaces shall be cleaned twice per week with a flusher truck followed by a tractor mounted broom. Road surfaces shall be resprayed with chemical dust suppressant as necessary to maintain a cleanable surface. The solution strength and application rate will be determined prior to application based upon the condition of the surfaces.

(2) Bethlehem shall control its low volatile coal storage piles by spraying them at least once per week with a chemical dust retardant.

(3) Records of all fugitive dust control activities shall be maintained. At a minimum, records shall contain the following information:

(A) number of miles and location of the paved roads cleaned;

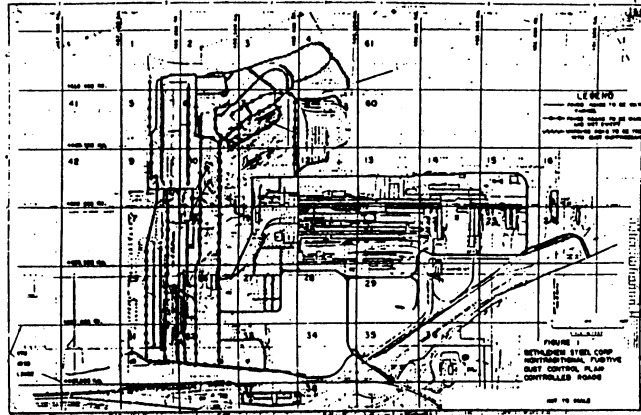
(B) number of miles of unpaved roads which were treated including the type, quantity, and dilution ratio of dust retardant used;

(C) the type, quantity, and dilution ratio of dust retardant sprayed on low volatile coal storage piles.

This information shall be summarized into progress reports and submitted to the board quarterly.

(4) This nontraditional fugitive dust control program can be adjusted on a daily basis as needed to take into account preceding day and forecasted meteorological conditions (for example, rainfall and temperature), and visual observations of the roadways scheduled to be cleaned.

(b) Bethlehem Steel Corporation nontraditional fugitive dust control roads is shown as follows (Figure 1):



(Air Pollution Control Board; 326 IAC 6-6-5; filed Mar 10, 1988, 1:20 pm.: 11 IR 2510; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

**ARTICLE 7. SULFUR DIOXIDE RULES**

**Rule 1. Sulfur Dioxide Emission Limitations**

**326 IAC 7-1-1 Applicability (Repealed)**

Sec. 1. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-2 Sulfur dioxide emission limitations; conflict with local rules (Repealed)**

Sec. 2. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-3 Reporting requirements and methods to determine compliance (Repealed)**

Sec. 3. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-4 Ambient monitoring; reports (Repealed)**

Sec. 4. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-5 Control strategies (Repealed)**

Sec. 5. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-6 Compliance schedules (Repealed)**

Sec. 6. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-7 State implementation plan revisions (Repealed)**

Sec. 7. (Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)

**326 IAC 7-1-8 Lake County sulfur dioxide limitations (Repealed)**

Sec. 8. *(Repealed by Air Pollution Control Board; filed Sep 23, 1988, 11:12 a.m.: 12 IR 268)*

**326 IAC 7-1-8.1 Lake County sulfur dioxide emission limitations (Repealed)**

Sec. 8.1. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-9 Marion County sulfur dioxide emission limitations (Repealed)**

Sec. 9. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-10 Vigo County sulfur dioxide emission limitations (Repealed)**

Sec. 10. *(Repealed by Air Pollution Control Board; filed Jun 30, 1988, 3:00 pm: 11 IR 3787)*

**326 IAC 7-1-10.1 Vigo County sulfur dioxide emission limitations (Repealed)**

Sec. 10.1. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-11 Wayne County sulfur dioxide emission limitations (Repealed)**

Sec. 11. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-12 Laporte County sulfur dioxide emission limitations (Repealed)**

Sec. 12. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-13 Jefferson County sulfur dioxide emission limitations (Repealed)**

Sec. 13. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-14 Sullivan County sulfur dioxide emission limitations (Repealed)**

Sec. 14. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-15 Vermillion County sulfur dioxide emission limitations (Repealed)**

Sec. 15. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-16 Floyd County sulfur dioxide emission limitations (Repealed)**

Sec. 16. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-17 Warrick County sulfur dioxide emission limitations (Repealed)**

Sec. 17. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-18 Morgan County sulfur dioxide emission limitations (Repealed)**



Sec. 18. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-19 Gibson County sulfur dioxide emission limitations (Repealed)**

Sec. 19. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-20 Dearborn County sulfur dioxide emission limitations (Repealed)**

Sec. 20. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**326 IAC 7-1-21 Porter County sulfur dioxide emission limitations (Repealed)**

Sec. 21. *(Repealed by Air Pollution Control Board; filed Aug 28, 1990, 4:50 p.m.: 14 IR 81)*

**Rule 1.1. Sulfur Dioxide Emission Limitations**

**326 IAC 7-1.1-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. All facilities with a potential to emit twenty-five (25) tons per year or ten (10) pounds per hour of sulfur dioxide shall comply with the limitations in section 2 of this rule and the compliance test methods in 326 IAC 7-2. The above facilities shall also comply with the sulfur dioxide emission limitations and other requirements pursuant to 326 IAC 2, 326 IAC 7-4, and 326 IAC 12. *(Air Pollution Control Board; 326 IAC 7-1.1-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2368; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

**326 IAC 7-1.1-2 Sulfur dioxide emission limitations**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Sulfur dioxide emissions from fuel combustion facilities shall be limited as follows, unless specified otherwise in 326 IAC 7-4 or in a construction permit issued pursuant to 326 IAC 2:

(1) Six and zero-tenths (6.0) pounds per million Btu for coal combustion.

(2) One and six-tenths (1.6) pounds per million Btu for residual oil combustion.

(3) Five-tenths (0.5) pound per million Btu for distillate oil combustion.

(b) For facilities combusting coal and oil simultaneously, the sulfur dioxide emission limitation shall be six and zero-tenths (6.0) pounds per million Btu. For facilities combusting oil and any fuel other than coal simultaneously, the sulfur dioxide emission limitation shall be the limitation specified in subsection (a)(2) or (a)(3), depending on the type of oil combusted. For the purposes of this subsection, simultaneous combustion of coal and oil shall include those periods of startup, shutdown, and flame stabilization required under normal facility operations. *(Air Pollution Control Board; 326 IAC 7-1.1-2; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2369; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

**Rule 2. Compliance**

**326 IAC 7-2-1 Reporting requirements; methods to determine compliance**

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

Affected: IC 13-14-8; IC 13-15; IC 13-17

Sec. 1. (a) As used in this article, "weighing factor" means the daily quantity of coal bunkered or megawatt generation or other appropriate measure of the output of a combustion source.

(b) As used in this article, “rolling weighted average sulfur dioxide emission rate” means the summation of the average sulfur dioxide emission rate times the daily weighing factor divided by the summation of the weighing factors.

(c) Owners or operators of sources or facilities subject to 326 IAC 7-1.1 or 326 IAC 7-4 shall submit to the commissioner the following reports based on fuel sampling and analysis data obtained in accordance with procedures specified under 326 IAC 3-7:

(1) Fuel combustion sources with total coal-fired heat input capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour shall submit quarterly reports of the thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus. Records of the daily average coal sulfur content, coal heat content, weighing factor, and daily average sulfur dioxide emission rate in pounds per million Btus shall be submitted to the department in the quarterly report and maintained by the source owner or operator for a period of at least two (2) years.

(2) Fuel combustion sources with total coal-fired heat input capacity greater than one hundred (100) and less than one thousand five hundred (1,500) million Btus per hour shall submit quarterly reports of the calendar month average coal sulfur content, coal heat content, and sulfur dioxide emission rate in pounds per million Btus and the total monthly coal consumption.

(3) All other fuel combustion sources shall submit reports of calendar month average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate in pounds per million Btus upon request.

(d) Compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4 may be determined by a stack test conducted in accordance with 326 IAC 3-6 utilizing procedures outlined in 40 CFR 60\*, Appendix A, Method 6, 6A, 6C, or 8.

(e) Fuel sampling and analysis data shall be collected pursuant to the procedures specified in 326 IAC 3-7-2 or 326 IAC 3-7-3 for coal combustion or 326 IAC 3-7-4 for oil combustion, and these data may be used to determine compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4. Computation of calculated sulfur dioxide emission rates from fuel sampling and analysis data shall be based on the emission factors contained in U.S. EPA publication AP-42, “Compilation of Air Pollutant Emission Factors” (September 1988)\*, unless other emission factors based on site-specific sulfur dioxide measurements are approved by the commissioner and the U.S. EPA. Fuel sampling and analysis data shall be collected as follows:

(1) For coal-fired fuel combustion sources with heat input capacity greater than or equal to one thousand five hundred (1,500) million Btus per hour, compliance or noncompliance shall be determined using a thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(2) For all other combustion sources, compliance or noncompliance shall be determined using a calendar month average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(f) A determination of noncompliance pursuant to either the method specified in subsection (d) or (e) shall not be refuted by evidence of compliance pursuant to the other method.

(g) Upon written notification of a facility owner or operator to the department, continuous emission monitoring data collected and reported pursuant to 326 IAC 3-5 may be used as the means for determining compliance with the emission limitations in this article. Upon such notification, the other requirements of this rule shall not apply.

\*Copies of the Code of Federal Regulations (CFR) and AP-42 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1001, P.O. Box 6015, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 7-2-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; errata filed Feb 9, 1999, 4:06 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 7, 2001, 3:00 p.m.: 25 IR 813*)

**Rule 3. Ambient Monitoring**

**326 IAC 7-3-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. Sources with total actual emissions of sulfur dioxide greater than ten thousand (10,000) tons per year are subject to the requirements of this rule. (*Air Pollution Control Board; 326 IAC 7-3-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 53; filed Apr 22,*

1997, 2:00 p.m.: 20 IR 2369; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)

**326 IAC 7-3-2 Ambient monitoring**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7

Sec. 2. (a) The source owner or operator shall install and operate continuous ambient sulfur dioxide air quality monitors and a meteorological data acquisition system according to a monitoring plan submitted to the commissioner for approval. At a minimum, the monitoring plan shall contain the following requirements:

(1) Installation and operation of one (1) or two (2) air quality monitors and one (1) meteorological instrumentation system capable of measuring wind speed and wind direction at a height of at least ten (10) meters above grade. The monitor shall be located in areas of expected maximum ambient concentration as determined by methods acceptable to the commissioner.

(2) Reporting of the air quality and meteorological data in a format specified by the commissioner within ninety (90) days after the end of each calendar quarter.

(3) Operation of the air quality monitor and meteorological instrumentation in accordance with a quality assurance program specified by the commissioner.

(b) A monitoring plan shall be submitted to the department prior to October 1, 1991. The commissioner may require that the monitoring plan be modified, at any time, consistent with the requirements of this section.

(c) Source owners or operators subject to the requirements of this rule, located in the same county, may submit a joint monitoring plan to satisfy the requirements of this rule. The joint monitoring plan shall specify the responsible owner or operator for each requirement in subsection (a). Upon approval by the commissioner, the joint monitoring plan may contain fewer than two (2) air quality monitors and one (1) meteorological station per owner or operator.

(d) A source owner or operator may petition the commissioner for an administrative waiver of all or some of the requirements of this section if such owner or operator can demonstrate that ambient monitoring is unnecessary to determine continued maintenance of the sulfur dioxide ambient air quality standards in the vicinity of the source. The demonstration shall address uncertainties in any air quality dispersion models used in the demonstration and shall address the adequacy of any existing monitoring data to characterize the worst-case ambient concentrations in the vicinity of the source. A waiver shall be effective upon written approval by the commissioner. The commissioner may establish conditions in the approval of a waiver to assure compliance with the provisions of this article. Failure to continuously meet the requirements for obtaining a waiver or failure to comply with any condition contained in the approval of a waiver shall render void any waiver issued. (*Air Pollution Control Board; 326 IAC 7-3-2; filed Aug 28, 1990, 4:50 p.m.: 14 IR 53*)

**Rule 4. Emission Limitations and Requirements by County**

**326 IAC 7-4-1 Lake County sulfur dioxide emission limitations (Repealed)**

Sec. 1. (*Repealed by Air Pollution Control Board; filed Aug 8, 1991, 10:00 a.m.: 14 IR 2218*)

**326 IAC 7-4-1.1 Lake County sulfur dioxide emission limitations**

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

Affected: IC 13-15; IC 13-17

Sec. 1.1. (a) All fossil fuel-fired combustion sources and facilities subject to 326 IAC 7-1.1 located in Lake County shall burn natural gas only, unless an alternative sulfur dioxide emission limit is provided in subsection (b) or (c). A facility subject to 326 IAC 7-1.1, but not located at a source specifically listed in subsection (b) or (c), may burn distillate oil with sulfur dioxide emissions limited to three-tenths (0.3) pounds per million Btu if the fuel combustion unit has a maximum capacity of less than twenty (20) million Btu per hour actual heat input.

(b) The following sources and facilities located in Lake County shall burn natural gas or distillate oil, and sulfur dioxide emissions shall be limited to three-tenths (0.3) pounds per million Btu:

(1) American Can Co.—coil coating oven and three (3) incinerators.

(2) American Steel-Hammond—furnaces; Boiler 4-5509.

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- (3) C & A Wallcovering—boiler.
- (4) Keil Chemical—Boilers B-3, B-4, and B-5.
- (5) Keyes Fibre—FM boiler.
- (6) National Briquette—dryer.
- (7) U.S. Gypsum—perlite expander burner, gypsum calcining kettle.
- (8) U.S. Reduction—preheat melting pot exhaust, reverberatory furnaces 1-5.

(c) The following sources and facilities located in Lake County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) AMAIZO	(A) Boilers 6, 7, 8, and 10	2.07 each (784 pounds per hour total)
	(B) Record keeping requirements:	
	(i) AMAIZO shall maintain records of average sulfur content, fuel oil usage, and boiler operating load for each hour in which any boiler operates on fuel oil.	
	(ii) AMAIZO shall submit a report to the department within thirty (30) days after the end of each calendar quarter containing the records listed in this clause and a calculation of the total sulfur dioxide emissions from all boilers for each hour.	
(2) AMOCO	(A) No. 1 Power Station Boilers 1, 2, 3, 4, 5, 6, and 7:	
	Prior to September 1, 1990	0.395 each
	On and after September 1, 1990	0.2 each
	(B) No. 1 Power Station Boiler 8:	
	Prior to September 1, 1990	0.395
	On and after September 1, 1990	0.033
	(C) No. 3 Power Station Boilers 1, 2, 3, 4, and 6	0.4
	(D) No. 11 Pipe Still:	
	H-1X Heater	0.407
	H-2 Vacuum Heater	0.418
	H-3 Vacuum Heater	0.404
	H-101, 102, 103, and 104 Coker Preheaters	0.033 each
	H-200 Crude Charge	0.411
	H-300 Furnace	0.402
	(E) No. 12 Pipe Still:	
	H-1A, H-1B Preheaters, and H-2 Vacuum Heater	0.32 each
	H-1CN, H-1CX, and H-1CS Crude Preheaters	0.033 each
	(F) No. 2 Isomerization:	
	H-1 Feed Heater Furnace	0.034
	F-7 Furnace	0.035
	(G) No. 3 Ultraformer:	
	H-1 Feed Heater Furnace	0.033
	H-2 Feed Heater Furnace	0.034
	F-7 Furnace	0.035
	Waste Heat Recovery	0.033
	(H) No. 4 Ultraformer:	
	F-1 Ultrafiner Furnace	0.034
	F-8A and F-8B Reboilers, F-2 Preheat Furnace, F-3 No. 1 Reheat Furnace, F-4, F-5, and F-6 Reheat Furnaces, and F-7 Furnace	0.033 each
	(I) Aeromatic Recovery Unit F-200A and F-200B Furnace	0.035
	(J) Blending Oil Desulfurization Furnace F-401	0.034

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(K) No. 1 CRU F-101 Feed Preheater, F-102 Stripper Reboiler, F-201 Steam Superheater, and F-202 Butamer Superheater	0.04 each
(L) FCU 500	50.0 pounds per ton coke burned
(M) FCU 600	35.0 pounds per ton coke burned
(N) No. 37 Pipe Still:	
B-1 Feed Preheater	0.223
B-2 Wax Fractioner	0.223
(O) NMP Extraction Unit:	
B-105 Furnace	0.29
B-106 Furnace	0.034
(P) Wastewater Sludge Fluid Bed Incinerator	0.05 pounds per ton feed material
(Q) Oil Hydrotreating Unit	0.04
(R) Asphalt Oxidizer No. 1 Incinerator	0.002 pounds per ton feed material
(S) Asphalt Oxidizer No. 2 Incinerator	0.168 pounds per ton feed material
(T) Asphalt Oxidizer No. 3 Incinerator	0.16 pounds per ton feed material
(U) Cat Feed Hydrotreating Unit	0.035
(V) Tail Gas Unit	18.83 pounds per ton feed material
(W) Heavy Oils Unit H-101, H-201, H-202	0.04 each
(X) Sulfur Recovery Unit Incinerator	0.033
(Y) F-1 Berry Lake Distillate Heater	0.033
(Z) F-100 Marine Docks Distillate Heater	0.013
(AA) F-2 Steiglitz Park Residual Heater	0.328
(BB) Grease Works Heater	0.034
(CC) Record keeping requirements:	
(i) AMOCO shall maintain daily records of fuel type, average sulfur content for each fuel type, average fuel gravity for each fuel type, and total fuel usage for each type for the No. 1 Power Station, the No. 3 Power Station, the NMP Extraction Unit, the No. 11 Pipe Still, the No. 12 Pipe Still, and the No. 37 Pipe Still.	
(ii) AMOCO shall maintain records of daily fuel type, average sulfur content, and average fuel gravity for each facility specified in this subdivision with sulfur dioxide emission limitations less than four-hundredths (0.04) pounds per million Btu.	
(iii) AMOCO shall maintain records of daily calculated coke burn and sulfur content of the oil feed for the FCU 500 and FCU 600 and of Claus Train sulfur production, average hydrogen sulfide to sulfur dioxide ratio, fuel gas burned at the incinerator, and total sulfur content of the Tail Gas Unit effluent.	

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(iv) AMOCO shall submit a report to the department within thirty (30) days after the end of each calendar quarter containing the average daily sulfur dioxide emission rate for the facilities specified in items (i) through (iii). AMOCO shall also submit to the department the total daily fuel usage for each fuel type for the No. 1 Power Station, the No. 3 Power Station, the No. 11 Pipe Still, and the No. 12 Pipe Still and the total daily calculated sulfur dioxide emissions from the FCU 500 and FCU 600 in the quarterly report required under this item.

(3) Associated Box	Space Heating Boiler	0.03
(4) Bucko Construction	Rotary Dryer	0.07 pounds per ton
(5) Commonwealth Edison	(A) Auxiliary Emergency Generator (B) Boilers 1-3 and 1-4	0.3 1.2 each
(6) East Chicago Incinerator	Incinerator Units	2.5 pounds per ton municipal waste per unit
(7) Georgia Pacific	Boiler 1	1.2
(8) Harbison Walker	Tunnel Kilns 1 and 2	0.03 (0.28 pounds per ton each)
(9) Horace Mann School	3 Boilers	6.0 each
(10) Inland Steel	<p>(A) Prior to January 1, 1992, Inland Steel shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements as follows:</p> <p>(i) 76 inch Hot Strip Mill Reheat Furnaces 1, 2, and 3, 12 inch Bar Mill Reheat Furnace, and No. 3 Cold Strip Annealing 5 and 6 natural gas only</p> <p>(ii) No. 1 and 2 Blast Furnace Stoves 0.08 each</p> <p>(iii) No. 5 and 6 Blast Furnace Stoves 0.625</p> <p>(iv) No. 7 Blast Furnace Stoves 0.146 (121 pounds per hour)</p> <p>(v) 'A' and 'B' Blast Furnace Stoves 0.612 each</p> <p>(vi) No. 6, 7, 8, 9, and 10 Coke Battery Underfire Stacks 2.245 each</p> <p>(vii) No. 11 Coke Battery Underfire and Ammonia Destruct Device 1.086</p> <p>(viii) No. 11 Coke Battery Preheaters 1 and 2 0.335 each</p> <p>(ix) No. 5 Boilerhouse Boilers 501, 502, and 503 0.104</p> <p>(x) 2AC Station Boilers 207, 208, 209, 210, 211, 212, and 213 0.228 each</p> <p>Only five (5) of the seven (7) 2AC Station Boilers may operate at the same time.</p> <p>(xi) 3AC Station Boilers 301, 302, 303, 304, and 305 0.757 each</p> <p>(xii) 4AC Station:</p> <p>(AA) Stack 1 (Boilers 401 and 402) and Stack 2 (Boilers 403 and 404) 1.5 per stack</p> <p>(BB) Stack 3 (Boiler 405) 1.0</p> <p>(CC) Sulfur dioxide emissions from Stacks 1, 2, and 3 shall be limited in accordance with the following equation in units of pounds per million Btu:</p> $(\text{Stack 1} + \text{Stack 2})/2 + 0.425 \times \text{Stack 3} \leq 1.6$ <p>If any one (1) of Boilers 401 through 405 is not operating for a given calendar day, the pounds per million Btu for Stack 3 for the purposes of the equation in this subitem is twenty-four hundredths (0.24) pounds per million Btu.</p>	

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(DD) Inland Steel shall maintain and operate sulfur dioxide continuous emission monitoring systems (CEMS) in Stacks 1, 2, and 3. CEMS data shall be used to determine compliance and to determine the sulfur dioxide emission rate in pounds per million Btu for the report required under clause (D)(iii). The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-1.1 [326 IAC 3-1.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.], and records of hourly emissions data shall be maintained and made available to the department upon request.

(xiii) Sinter Plant Windbox	167 pounds per hour
(xiv) 100 inch Plate Mill Reheat Furnace	0.851
(xv) Lime Plant Firing	0.46
(xvi) No. 4 Slabber Soaking Pits 1-45	1.914
(xvii) No. 2 Bloomer Mill Soaking Pits 1-20	1.96
(xviii) 10 inch Bar Mill Reheat Furnace	0.0
(xix) 80 inch Hot Strip Mill Reheat Furnaces 1, 2, 3, and 4:	
Prior to May 31, 1990	0.492 each
After May 31, 1990	natural gas only
(xx) 28 inch Bar Mill Reheat Furnaces 2, 3, and 4	1.96 each
Only two (2) of three (3) furnaces may operate at the same time.	
(xxi) No. 2 Cold Strip Annealing Furnaces 3 and 4	1.96

(B) By January 1, 1992, Inland Steel shall construct and begin operation of a coke oven gas desulfurization facility at Plant 2 in order to achieve the emission limitations in clause (C), according to the following schedule:

<u>Compliance Element</u>	<u>Completion Deadline</u>
(i) Complete engineering	July 31, 1990
(ii) Purchase major equipment	September 30, 1990
(iii) Begin construction	January 31, 1991
(iv) Complete construction	October 31, 1991
(v) Start up facility	November 30, 1991
(vi) Test facility performance	December 31, 1991

(C) Beginning January 1, 1992, Inland Steel shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements as follows:

(i) 76 inch Hot Strip Mill Reheat Furnaces 1, 2, and 3, 12 inch Bar Mill Reheat Furnace, and No. 3 Cold Strip Annealing 5 and 6	natural gas only
(ii) No. 1 and 2 Blast Furnace Stoves	0.08 each
(iii) No. 5 and 6 Blast Furnace Stoves	0.140 each
(iv) No. 7 Blast Furnace Stoves	0.146
(v) 'A' and 'B' Blast Furnace Stoves	0.138 each
(vi) No. 6, 7, 8, 9, and 10 Coke Battery Underfire Stacks	0.51 each
(vii) No. 6 Coke Battery Underfire	82.1 pounds per hour
(viii) No. 11 Coke Battery Underfire and Ammonia Destruct Device	1.086 (352.9 pounds per hour)
(ix) No. 11 Coke Battery Preheaters 1 and 2	0.335 each (26.8 pounds per hour total)
(x) No. 5 Boilerhouse Boilers 501, 502, and 503	0.104
(xi) 2AC Station Boilers 207, 208, 209, 210, 211, 212, and 213	0.228
Only five (5) of the seven (7) 2AC Station Boilers may operate at the same time.	
(xii) 3AC Station Boilers 301, 302, 303, 304, and 305	0.170 each

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- (xiii) 4AC Station:
  - (AA) Stack 1 (Boilers 401 and 402) and Stack 2 (Boilers 403 and 404) 1.5 per stack
  - (BB) Stack 3 (Boiler 405) 1.0
  - (CC) Sulfur dioxide emissions from Stacks 1, 2, and 3 shall be limited in accordance with the following equation in units of pounds per million Btu:

$$(\text{Stack 1} + \text{Stack 2})/2 + 0.425 \times \text{Stack 3} \leq 1.6$$

If any one (1) of Boilers 401 through 405 is not operating for a given calendar day, the pounds per million Btu for Stack 3 for the purposes of the equation in this subitem is twenty-four hundredths (0.24) pounds per million Btu.

(DD) Inland Steel shall maintain and operate sulfur dioxide continuous emission monitoring systems (CEMS) in Stacks 1, 2, and 3. CEMS data shall be used to determine compliance and to determine the sulfur dioxide emission rate in pounds per million Btu for the report required under clause (D)(iii). The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-1.1 [326 IAC 3-1.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.], and records of hourly emissions data shall be maintained and made available to the department upon request.

- (xiv) Sinter Plant Windbox 167 pounds per hour
  - (xv) 100 inch Plate Mill Reheat Furnace 0.851
  - (xvi) Lime Plant Firing 0.46
  - (xvii) No. 4 Slabber Soaking Pits 1-45 0.285
  - (xviii) No. 2 Bloomer Mill Soaking Pits 1-20 0.286
  - (xix) 10 inch Bar Mill Reheat Furnace 0.0
  - (xx) 80 inch Hot Strip Mill Reheat Furnaces 1, 2, 3, and 4 natural gas only
  - (xxi) 28 inch Bar Mill Reheat Furnaces 2, 3, and 4 0.286 each
- Only two (2) of three (3) furnaces may operate at the same time.
- (xxii) No. 2 Cold Strip Annealing Furnaces 3 and 4 0.286

(D) Record keeping requirements:

- (i) Inland Steel shall maintain records of the total Plant 2 coke oven gas, Coke Battery 11 coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in clause (A) or (C).
- (ii) Inland Steel shall maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter and of the operational status of 2AC Station Boilers 207, 208, 209, 210, 211, 212, and 213, 4AC Station Boilers 401, 402, 403, 404, and 405, and the twenty-eight (28) inch Bar Mill reheat furnaces.
- (iii) Inland Steel shall submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each facility for each day during the calendar quarter, the total fuel usage for each type at each facility for each day, and any violations of clause (A)(x), (A)(xx), (C)(xi), or (C)(xxi).

- (11) Kaiser Rotary Kiln 21.6 pounds per ton of coke
- (12) Lehigh Portland Cement KKI Calcinator Aluminate Kiln 7.0 pounds per ton of process material
- (13) Lever Brothers (A) Boilers 2, 3, and 4 1.52 each
- (B) Dowtherm Boiler, Defi Process 1.6



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	(C) Sulfonation Process	3.1 pounds per ton process material
	(D) Dowtherm Boiler, Detergent Bar Soap	0.087
(14) LTV Steel	(A) Utility Boilers:	
	(i) No. 3, 4, 5, 6, 7, and 8	0.896 each
	(ii) Total actual heat input from fuel oil and/or desulfurized coke oven gas usage at all boilers combined shall not exceed nine hundred ninety-three (993) million Btu per hour.	
	(iii) Boilers shall be fired on fuel oil, blast furnace gas, desulfurized coke oven gas, and natural gas only.	
	(iv) Fuel oil burned shall not exceed one and three-tenths percent (1.3%) sulfur and one and thirty-five hundredths (1.35) pounds per million Btu.	
	(B) Hot Strip Mill Slab Heat Reheat Furnaces 1, 2, and 3	1.254 each (535.1 pounds per hour each)
	(C) Sinter Plant Windbox	1.0 pound per ton and 240 pounds per hour
	(D) No. 1, 2, 3, and 4 Blast Furnace Stoves	0.024 each
	(E) No. 2 Sheet Mill Crimson Boilers 7 and 8 and No. 2 Slab Mill Furnaces	natural gas only
	(F) No. 3, 4, and 9 Coke Battery Underfire Stacks	0.177 each
	(G) Record keeping requirements:	
	(i) LTV shall maintain records of the total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in clauses (A) through (F).	
	(ii) LTV shall maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter.	
	(iii) LTV shall submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each facility for each day during the calendar quarter and the total fuel usage for each type at each facility for each day.	
(15) Marblehead Lime	(A) Rotary Kilns 1-5	240 pounds per hour total (80 pounds per hour for any one (1) kiln)
	(B) Sulfur dioxide emissions shall be vented from the kilns/kiln gas filter systems at the following heights above grade:	
	<u>Kiln Number</u>	<u>Stack Height (in feet)</u>
	(i) Kiln No. 1	80
	(ii) Kiln No. 2	87
	(iii) Kiln No. 3	87
	(iv) Kiln No. 4	95
	(v) Kiln No. 5	89
(16) Methodist Hospital	Boiler 1	0.61
(17) NIPSCO Mitchell	(A) Gas Turbines 9A, 9B, and 9C	natural gas only
	(B) Boilers 4, 5, 6, and 11	
	(i) Operation under either subitem [item] (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.	

(ii) Sulfur dioxide emissions for boilers operating under the scenarios listed in subitems (AA), (BB), and (CC) [this item] shall be measured as a daily weighted average by the continuous emissions monitoring systems (CEMS) required in clause (D). NIPSCO may operate under any one (1) of the following scenarios:

(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and one thousand three hundred thirteen (1,313.0) pounds per hour.

(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to one and five-hundredths (1.05) pound per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.

(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:

(aa) Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand nine hundred twenty-five (1,925.0) pounds per hour.

(bb) Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand eight hundred fifteen (1,815.0) pounds per hour.

(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(aa) Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand six hundred twenty-five (2,625.0) pounds per hour.

(bb) Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.

(iii) NIPSCO shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(AA) Fuel type.

(BB) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.

(C) Prior to September 30, 1990, NIPSCO shall install a nozzle in the stack serving Boilers 6 and 11 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

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(D) Beginning May 31, 1992, NIPSCo shall maintain and operate CEMS in the stacks serving Boilers 4, 5, 6, and 11. The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-1.1 [326 IAC 3-1.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.], with the exception of the three (3) hour block period reporting requirements under 326 IAC 3-1.1-3(a) [326 IAC 3-1.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.]. Records of daily average emissions data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(E) NIPSCo shall submit a written report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the daily weighted average emission rate in units of pounds per million Btu as measured by the CEMS for each stack venting emissions from those boilers specified in clause (B). The hourly gross megawatt power production from the units connected to each stack may be used as the weighting factor in determining the daily weighted average. Records of the hourly gross megawatt power production shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(18) Premiere  
Candy Co.

Boilers 1 and 2

1.6 each

(19) Safety-Kleen  
Oil Recovery  
Company

(A) Boilers SB-801, SB-820, SB-821, and SB-822 shall use natural gas only.

(B) Process Heaters H-201 (45 MMBtu/hour), H-301 (19.5 MMBtu/hour), H-302 (16.5 MMBtu/hour), and H-303 (16.5 MMBtu/hour) shall use a combination of natural gas, #2 fuel oil equivalent, and off-gases. The combined sulfur dioxide emissions from these four (4) process heaters shall not exceed three-tenths (0.3) lb/MMBtu actual heat input. In addition, combined sulfur dioxide emissions from these four (4) process heaters shall not exceed fourteen (14) lbs/hour and sixty (60) tons/year.

(C) Process Heaters H-200 (84 MMBtu/hour) and H-701 (17 MMBtu/hour) shall use a combination of natural gas, #2 fuel oil equivalent, and off-gases. Sulfur dioxide emissions from these two (2) process heaters shall not exceed three-tenths (0.3) lb/MMBtu actual heat input. In addition, sulfur dioxide emissions from these two (2) process heaters shall not exceed fourteen (14) lbs/hour and sixty (60) tons/year.

(D) Process Heaters H-401 (15.3 MMBtu/hour), H-402 (19.3 MMBtu/hour), H-404 (10 MMBtu/hour), H-405 (10 MMBtu/hour), H-451 (16.3 MMBtu/hour), H-452 (10 MMBtu/hour), and H-453 (8 MMBtu/hour) shall use a combination of natural gas, #2 fuel oil equivalent, and off-gases. The combined sulfur dioxide emissions from these seven (7) process heaters shall not exceed three-tenths (0.3) lb/MMBtu actual heat input. In addition, combined sulfur dioxide emissions from these seven (7) process heaters shall not exceed sixteen and sixty-seven hundredths (16.67) lbs/hour and seventy (70) tons/year.

(20) Stauffer

(A) Spent Acid Regeneration Unit 4 (Unit 4) and Sulfuric Acid Production Unit 3 (Unit 3) shall comply with the emission limit equations and requirements below:

(i)  $(\text{Unit 3}) + (\text{Unit 4}) \leq 782$  in units of pounds per hour, three (3) hour average.

(ii)  $0.778 \times (\text{Unit 3}) + (\text{Unit 4}) \leq 32.7$ , applies if Unit 4 is  $\leq 6.15$  pounds per ton daily average and package boiler burns natural gas only.

(iii)  $0.399 \times (\text{Unit 3}) + (\text{Unit 4}) \leq 19.6$ , applies if Unit 4 is  $> 6.15$  pounds per ton daily average and package boiler burns natural gas only.

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- (iv)  $0.778 \times (\text{Unit } 3) + (\text{Unit } 4) \leq 30.8$ , applies if Unit 4 is  $\leq 4.69$  pounds per ton daily average and package boiler burns any distillate oil.
- (v)  $0.399 \times (\text{Unit } 3) + (\text{Unit } 4) \leq 17.9$ , applies if Unit 4 is  $> 4.69$  pounds per ton daily average and package boiler burns any distillate oil.
- (vi) The equations in items (ii) through (v) are in units of pounds per ton and do not apply for days in which Unit 3 is not in operation.
- (vii) Compliance with the equations in items (ii) through (v) shall be determined based on daily average pounds per ton calculated from data reported as specified under clause (C). Compliance with the equation in item (i) shall be determined based on a three (3) hour average pounds per hour rate calculated from data reported as specified under clause (C).

(B) Preheater and Package Boiler 0.3 each

(C) Stauffer Chemical shall operate a continuous emission monitoring system (CEMS) in each stack serving Units 3 and 4. Stauffer Chemical shall submit a report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the following information:

- (i) Three (3) hour average sulfur dioxide emission rate in pounds per hour as measured by the CEMS from each of the two (2) facilities for each three (3) hour period during the calendar quarter in which the combined average emissions exceed the allowable rates specified in clause (A)(i).
- (ii) The daily average emission rate in units of pounds per ton as determined from CEMS and production data for Unit 3 and for Unit 4 for each day of the calendar quarter.
- (iii) The calculated total pounds per ton per the applicable equation in clause (A)(ii) through (A)(v) for each day of the calendar quarter. Stauffer Chemical shall maintain a log of the use of distillate oil on the preheater and the package boiler and shall submit the log to the department in the report required under this clause. The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-1.1 [*326 IAC 3-1.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.*], and records of hourly emissions data shall be maintained and made available to the department upon request.

(21) U.S. Reduction	Borings Dryer	3.33 pounds per ton
(22) USX	(A) Turboblower Boilers 1, 2, 3, 4, 5, and 6	0.269 each
	(B) No. 4 Boilerhouse	0.219
	(C) Tin Mill Boilers 1, 2, 3, 4, and 5:	
	Prior to June 30, 1989	1.5 each
	On and after June 30, 1989	natural gas only
	(D) No. 2 Coke Plant Boilerhouse:	
	(i) Boilers 1 and 2	natural gas only
	(ii) Boilers 3, 4, 5, and 6	1.2 each
	(iii) Boilers 7 and 8	1.07 each
	(iv) Only four (4) of No. 2 Coke Plant Boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.	
	(v) Prior to June 30, 1989, stacks serving Boilers 3, 4, 5, and 6 shall be no less than one hundred thirty-three (133) feet above grade.	
	(E) Coke Battery Underfire Stacks:	
	(i) No. 2, 3, 5, and 7	1.3 each
	(ii) No. 15 and 16	1.1 each
	(F) 46 inch Slab Mill Soaking Pits 2-15	0.772

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(G) 84 inch Hot Strip Mill:

(i) Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven (477) million Btu per hour for Waste Heat Boiler 1 and Furnaces 1 and 2 combined and a total of five hundred seven (507) million Btu per hour for Waste Heat Boiler 2 and Furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. Total actual heat input shall not exceed four hundred forty (440) million Btu per hour for each furnace, one hundred seventy (170) million Btu per hour for Waste Heat Boiler 1, and two hundred (200) million Btu per hour for Waste Heat Boiler 2.

(ii) Waste Heat Boiler 1 and Furnaces 1 and 2 511.8 pounds per hour total

(iii) Waste Heat Boiler 2 and Furnaces 3 and 4 543.9 pounds per hour total

(iv) Fuel supplied to the furnaces (coke oven gas, fuel oil, and natural gas) shall not result in a sulfur dioxide emission rate exceeding four hundred forty-seven thousandths (0.447) pounds per million Btu actual heat input.

(H) 160 inch/210 inch Plate Mill:

(i) Continuous Furnaces 0.772 each (183 pounds per hour each and 250 million Btu per hour each)

(ii) Plate Mill Batch Furnaces natural gas only (30 million Btu per hour each)

(iii) USX must notify the department in the event that the 46 inch Slab Mill Soaking Pits permanently cease operation. Subsequent to permanent shutdown of the 46 inch Slab Mill, sulfur dioxide emissions from the 46 inch Slab Mill Soaking Pits shall be limited to zero and zero-tenths (0.0) pounds per million Btu and sulfur dioxide emissions from the facilities at the 160 inch/210 inch Plate Mill Continuous Furnaces and Batch Furnaces 2, 3, and 4 shall be limited to one and seven-hundredths (1.07) pounds per million Btu each.

(I) No. 3 Sinter Plant Windbox lines 1, 2, and 3 1.0 pounds per ton each  
Only two (2) of three (3) lines may operate at the same time.

(J) No. 4, 6, 7, 8, and 13 Blast Furnace Stoves 0.002 each stack

(i) Only two (2) of three (3) stoves at each of the No. 4, 6, 7, and 8 Blast Furnaces may fire fuel simultaneously.

(ii) Only three (3) of the four (4) stoves at No. 13 Blast Furnace may fire fuel simultaneously.

(K) Total actual heat input from coke oven gas, coal, and fuel oil usage at all facilities operating at USX shall not exceed two thousand seven hundred forty (2,740) million Btu per hour based on five hundred ten (510) million Btu per million cubic feet coke oven gas, twenty-six (26) million Btu per ton coal, and one hundred fifty (150) million Btu per thousand gallons of fuel oil. The sulfur dioxide emission rate from coke oven gas, except at the Coke Battery Underfire Stacks listed in clause (E), and from fuel oil shall not exceed one and seven-hundredths (1.07) pounds per million Btu.

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(L) USX shall notify the department at least twenty-four (24) hours prior to operation of more than four (4) coke batteries. During periods when more than four (4) coke batteries are in operation, sulfur dioxide emissions from the No. 2 Coke Plant Boilers shall be limited to nine-tenths (0.9) pounds per million Btu each and the restriction on total actual heat input from coke oven gas, coal, and fuel oil usage specified in clause (K) shall be revised to three thousand three hundred twenty (3,320) million Btu per hour.

(M) Record keeping requirements:

(i) USX shall maintain records of the total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in clauses (A) through (K).

(ii) USX shall maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter and of the actual heat input for facilities listed in clauses (G) through (H).

(iii) USX shall submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu, or in pounds per hour for facilities listed in clause (G), for each facility for each day during the calendar quarter, the total fuel usage for each type at each facility for each day, and any violations of clauses (D)(iv), (G)(i), (H)(i), (H)(ii), (I), (J)(i), (J)(ii), (K), or this clause.

(d) Sources listed in subsection (c)(1) through (c)(2), (c)(10), (c)(14) through (c)(15), and (c)(21) shall submit a sampling and analysis protocol to the department by December 31, 1988. The protocol shall contain a description of planned procedures for sampling of sulfur-bearing fuels and materials, for analysis of the sulfur content, and for any planned direct measurement of sulfur dioxide emissions vented to the atmosphere. The protocol shall specify the frequency of sampling, analysis, and/or measurement for each fuel and material and for each facility. The department shall incorporate the protocol into the source's operation permit per procedures specified in 326 IAC 2. The department may revise the protocol as necessary to establish acceptable sampling, analysis, and/or measurement procedures and frequency. The department may also require that a source conduct a stack test at any facility listed in this section within thirty (30) days of written notification by the department. (*Air Pollution Control Board; 326 IAC 7-4-1.1; filed Aug 8, 1991, 10:00 a.m.: 14 IR 2206; filed Mar 24, 1998, 4:35 p.m.: 21 IR 2729; filed May 13, 1999, 12:00 p.m.: 22 IR 3070; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 7-4-2 Marion County sulfur dioxide emission limitations**

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 2. The following sources and facilities located in Marion County shall comply with the sulfur dioxide emission limitations in pounds per million Btu (lbs/MMBtu) and pounds per hour (lbs/hr), unless otherwise specified, and other requirements:

Source	Facility Description	Emission Limitations	
		lbs./MMBtu	lbs./hr.
(1) Acustar	Boiler 1	2.82	109.98
	Boiler 2	2.82	109.98
	Boiler 3	2.82	109.98
(2) Allison Gas Turbine-Plant 5	Boiler 1	3.99	299.4
	Boiler 2	3.99	299.4
	Boiler 3	3.99	299.4
	Boiler 4	3.99	299.4
(3) Amtrak	Boilers 61 and 62	3.30	208.15
(4) Bridgeport Brass	Boiler 1	3.55	135.8
	Boiler 2	3.55	135.8
	Boiler 3	3.55	135.8

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(5) Central Soya	Boiler	4.32	272.0
(6) Central State	Boiler 3	3.39	111.8
	Boiler 7	3.39	169.5
	Boiler 8	3.39	169.5
(7) Citizens Gas	Batteries E & H (each)	0.79 pounds per ton	31.16
	Battery 1	0.23 pounds per ton	15.70
(8) Detroit Diesel Allison-Plant 3	Boiler 1	1.88	67.6
	Boiler 2	1.88	67.6
	Boiler 3	1.88	90.2
	Boiler 4	1.88	135.2
	Boiler 5	1.88	180.3
(9) Diamond Bathurst	#2 Furnace	1.40 pounds per ton	20.22
(10) Ford	Boiler 1	2.43	177.38
	Boiler 2	2.43	354.77
	Boiler 3	2.43	354.77
(11) Fort Harrison	Boiler 1	2.92	151.84
	Boiler 2	2.92	151.84
	Boiler 3	2.92	151.84
	Boiler 4	2.92	151.84
(12) G.M. Truck & Bus Group	Boiler 1	2.31	187.1
	Boiler 2	2.31	187.1
	Boiler 3	2.31	106.3
(13) Indiana Girls School	Boiler	6.00	46.9
(14) IPL-Perry W	Boiler 17	6.0	1,320.0
	Boiler 18	6.0	1,320.0
(15) Indianapolis Sludge Incinerator	Incinerator 1	2.0 pounds per ton	14.19
	Incinerator 2	2.0 pounds per ton	14.19
	Incinerator 3	2.0 pounds per ton	14.19
	Incinerator 4	2.0 pounds per ton	14.19
	Incinerator 5	2.0 pounds per ton	14.19
	Incinerator 6	2.0 pounds per ton	14.19
	Incinerator 7	2.0 pounds per ton	14.19
	Incinerator 8	2.0 pounds per ton	14.19
(16) Marathon Petroleum–Indiana Refining Division	H-H1	1.92	36.46
	H-H2	1.92	36.46
	H-H3	1.92	38.38
	P-H1	1.92	89.03
	P-H2	1.92	82.12
	P-H3	1.92	30.32
	P-H4	1.92	33.19
	P-H5	1.92	9.98
	Alky Reboiler	1.92	53.15
	Crude Heater	1.92	268.05
	Vacuum Heater	1.92	99.20
	Sulfur Recovery	189.0 pounds per ton sulfur	88.17
	FCC (Proc)	3.92 pounds per ton	506.37
CO Boiler	1.92	228.72	

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	FCC Chg. Htr.	1.92	88.26
	GH-1	1.92	81.36
(17) Navistar	Boiler 1	2.98	193.72
	Boiler 2	2.98	193.72
	Boiler 3	2.98	193.72
(18) Quaker Oats	Boiler 1	2.79	195.3
	Boiler 2	2.79	195.3
	Murray Boiler	0.50	50.1
(19) Quemetco	Reverberatory Furnace	24.6 pounds per ton	617.0
(20) Refined Metals	Blast Furnace	10.8 pounds per ton	64.8
(21) Reilly Industries	2722 W	1.25	114.75
	2726 S	1.25	49.1
	186 N	1.25	46.0
	2707 V	1.25	20.0
	112 E	0.0**	0.0**
	2710 P	0.0**	0.0**
	Riley	1.25	64.75
	B & W	1.25	49.1
	2724 W	1.25	26.3
	2714 V	1.25	18.8
	2729 Q	1.25	3.8
	2740 Q	1.25	7.5
	732714	1.25	45.0
	2728 S	1.25	7.5
	Still	0.0**	0.0**
	Kettle	0.0**	0.0**
	2607 T	0.0**	0.0**
	702611	0.0**	0.0**
	722804	0.0**	0.0**
	2706 Q	0.0**	0.0**
	2713 W	0.0**	0.0**
	2714 W	0.0**	0.0**
	2720 W	0.0**	0.0**
(22) Rexnord-Link Belt Bearing	Boiler A	3.28	101.7
	Boiler B	3.28	101.7
	Boiler C	0.0*	0.0*
(23) Rexnord-Link Belt Chain	Boiler 1	3.68	117.8
	Boiler 2	3.68	117.8
	Boiler 3	3.68	117.8
(24) Thomson Consumer Electronics	Boiler 1	1.95	39.0
	Boiler 2	1.95	39.0
	Boiler 3	1.95	146.3
	Boiler 4	1.95	146.3
(25) Union Carbide	Boiler 1	3.85	92.4
	Boiler 2	3.85	106.6
	Boiler 3	3.85	148.2
(26) Western Select Properties	Boiler 2	2.52	189.06
	Boiler 3	2.52	189.06



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	Boiler 4	2.52	189.06
	Boiler 5	2.52	252.07
(27) Wishard	Boiler 1	4.04	105.0
	Boiler 2	4.04	105.0
	Boiler 3	4.04	105.0

\*\*Less than 0.05

(28) Allison Gas Turbine Operations Plant 8 shall comply with the sulfur dioxide emission limitations provided in clause (A) or (B) and other requirements as follows:

(A) Boilers 2 through 11 may burn natural gas at any time.

(B) Babcock and Wilcox Boilers 2 through 6 and Combustion Engineering Boilers 7 through 11 may burn fuel oil with a sulfur dioxide emission limitation of two and one-tenth (2.1) lbs/MMBtu each during periods when one (1) of the following conditions is met:

(i) Fuel oil is burned in no more than three (3) Babcock and Wilcox boilers, and fuel oil is not burned in any combustion engineering boiler.

(ii) Fuel oil is burned in no more than two (2) Babcock and Wilcox boilers and no more than two (2) combustion engineering boilers.

(iii) Fuel oil is burned in no more than one (1) Babcock and Wilcox boiler and no more than three (3) combustion engineering boilers.

(C) A log of hourly operational status and fuel type for each boiler shall be maintained at the plant and made available to the department upon request. A daily summary of operating status and fuel type for each boiler for each day of a calendar quarter shall be submitted to the department on a quarterly basis.

(D) Allison Gas Turbine Operations Plant 8 shall erect a twenty (20) foot stack extension with a diameter at the extension outlet of four (4) feet for each stack serving Boilers 2 through 6 in accordance with the following schedule:

(i) Complete design, specifications, and construction drawings and award contracts by August 2, 1988.

(ii) Complete installation of stack extensions by December 2, 1988.

(29) Indianapolis Power and Light Perry K shall comply with the sulfur dioxide emission limitations in lbs/MMBtu and other requirements as follows:

<u>Boiler Number</u>	<u>Emission Limitations</u>
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(A) 17 and 18	0.3
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(B) 11, 12, 13, 14, 15, and 16	2.1
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(C) As an alternative to the emission limitations in clause (B), sulfur dioxide emissions from Boilers 11, 12, 13, 14, 15, and 16 may comply with any one (1) of the sets of emission limitations in lbs/MMBtu as follows:

<u>Boiler Number</u>	<u>Emission Limitations</u>
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(i)	13, 14, 15, and 16 11 and 12	0.0 4.4
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(ii)	11, 12, 15, and 16 13 and 14	0.0 4.4
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(iii)	11, 12, 13, and 14 15 and 16	0.0 4.4
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(iv)	11, 12, 15, and 16 13 and 14	3.0 0.3
------	---------------------------------	------------

(v)	11 and 12 13, 14, 15, and 16	0.3 3.0
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(D) The department or the Indianapolis Air Pollution Control Division shall be notified prior to the reliance by Indianapolis Power and Light on any one (1) of the sets of alternative emission limitations specified in clause (C).

(E) A log of hourly operating status for each boiler shall be maintained and made available to the department upon request. A daily summary indicating which boilers were in service during the day shall be submitted to the department quarterly. In addition, records of the daily average sulfur content, heat content, and sulfur dioxide emission rate for each day in which an alternative set of emission limitations specified in clause (C) is used shall be submitted to the department quarterly.

(F) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which Indianapolis Power and Light relies on

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more than one (1) set of emission limitations specified in clauses (B) through (C), a separate thirty (30) day rolling weighted average for each set of limitations shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limitations. If Indianapolis Power and Light does not operate thirty (30) days under any one (1) set of limitations within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limitations.

(G) Boilers 11 through 16 shall be limited to six and zero-tenths (6.0) lbs/MMBtu each until Boilers 11 through 16 achieve compliance with the sulfur dioxide emission limitations specified in clauses (B) through (C). Compliance with the emission limitations specified in clauses (B) through (C) shall be achieved according to the following schedule:

- (i) Complete engineering analysis of modifications by April 2, 1988.
- (ii) Complete testing and design of modifications and place orders for necessary equipment by May 2, 1989.
- (iii) Complete installation of necessary equipment and achieve compliance with emission limitations specified in clauses (B) through (C) by June 2, 1990.

(30) Indianapolis Power and Light Stout shall comply with the sulfur dioxide emission limitations in lbs/MMBtu and other requirements as follows:

<u>Boiler/Turbine Number</u>	<u>Emission Limitations</u>
(A) Boiler 70	5.3
(B) Boilers 50 and 60	4.7
Boilers 1 through 8	0.0
Boilers 9 and 10 and Gas Turbines 1, 2, and 3	0.35

(C) As an alternative to the emission limitations in clause (B), sulfur dioxide emissions from Boilers 50, 60, and 1 through 10 and Gas Turbines 1, 2, and 3 may comply with any one (1) of the sets of emission limitations in lbs/MMBtu as follows:

<u>Boiler/Turbine Number</u>	<u>Emission Limitations</u>
(i) Boilers 50 and 60	5.2
Boilers 1 through 10 and Gas Turbines 1, 2, and 3	0.0
(ii) Boilers 50 and 60	5.0
Boilers 1 through 10	0.0
Gas Turbines 1, 2, and 3	0.4
(iii) Boilers 50 and 60	4.1
Boilers 1 through 8	0.26
Boilers 9 and 10	0.35
Gas Turbines 1, 2, and 3	0.3
(iv) Boilers 50 and 60	3.9
Boilers 1 through 8	0.34
Boilers 9 and 10 and Gas Turbines 1, 2, and 3	0.35

(D) The department or the Indianapolis Air Pollution Control Division shall be notified prior to the reliance by Indianapolis Power and Light on any one (1) of the sets of alternative emission limitations specified in clause (C).

(E) A log of hourly operating status for each boiler shall be maintained and made available to the department upon request. A daily summary indicating which boilers were in service during the day shall be submitted to the department quarterly. In addition, records of the daily average sulfur content, heat content, and sulfur dioxide emission rate for each day in which an alternative set of emission limitations specified in clause (C) is used shall be submitted to the department quarterly.

(F) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which Indianapolis Power and Light relies on more than one (1) set of emission limitations specified in clauses (B) through (C), a separate thirty (30) day rolling weighted average for each set of limitations shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limitations. If Indianapolis Power and Light does not operate thirty (30) days under any one (1) set of limitations within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limitations.

(G) Indianapolis Power and Light shall install a stack diameter restriction for the stack serving Boilers 50 and 60. The stack diameter restriction shall reduce the diameter to six and one-half (6½) feet at the tip of the stack. The installation of the stack diameter restriction shall be in accordance with the following schedule:

- (i) Complete preliminary design of modifications by December 2, 1988.
- (ii) Place orders for necessary modification by July 2, 1989.

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(iii) Complete installation by February 2, 1990.

(Air Pollution Control Board; 326 IAC 7-4-2; filed Aug 28, 1990, 4:50 p.m.: 14 IR 65; filed Feb 9, 1999, 4:22 p.m.: 22 IR 1959; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

**326 IAC 7-4-3 Vigo County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 3. The following sources and facilities located in Vigo County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Alcan Rolled Products Co.	Sol Oil Boiler	0.51
	Foil Mill Boiler	0.51
	Oil Farm Boiler	0.51
	#2 Melter	1.60
	#3 Melter	1.60
	#4 Melter	1.60
	#5 Melter	1.60
	#6 Melter	1.60
	#7 Melter	1.60
	#53 Annealing Furnaces	1.60
(2) Bemis	Boiler	0.51
(3) CBS	#1 WH CB200-200	0.51
	#2 WH CB200-200	0.51
	#1 HC CB293-100	0.51
	#2 HC CB M & W 4000	0.51
	#3 HC CB M & W 4000	0.51
	#1 BP Springfield	0.51
(4) CF Industries	Process Murray Boiler 1	0.52
	Process Murray Boilers 2 and 3	0.52
(5) Digital Audio Disc	#1 Kewanee Boiler	0.36
	#2 Kewanee Boiler	0.36
(6) Doxsee Foods Corp.	Boiler	2.62
(7) General Housewares	Boiler 1A Ladd	6.00
	Boiler 2A Combustion Eng.	6.00
	#5 Enamel Furnace Radiant Tube	0.51
	#6 Enamel Furnace Muffle	0.51
	Murray Iron Works Boiler A	0.51
(8) Hercules, Inc.	Murray Iron Works Boiler B	0.51
	Clayton Boiler (Standby)	0.51
	Nebraska Boiler	0.51
(9) Indiana State University	#2 Voight Boiler	5.64
	#3 Voight Boiler	5.64
	#5 B & W Boiler	5.64
	#4 Murray Boiler	0.37
(10) J.I. Case	No. 1 Riley Boiler	4.74
	No. 2 Riley Boiler	4.74
(11) Pfizer	Boiler 8	3.01
	Boiler 5	2.12
	Boiler 6	2.12
	Boiler 7	2.12

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	Animal Health Boiler	1.55
Boiler load on Boiler 5, Boiler 6, or Boiler 7 is restricted to 55.84 million Btu per hour if Boiler 8 is also in operation. Pfizer shall maintain records which contain the actual boiler heat input, based on the average fuel heat content and on the quantity of fuel burned hourly, for any hour in which Boiler 5, Boiler 6, or Boiler 7 is in simultaneous operation with Boiler 8. The records shall be made available to the department or the Vigo County Air Pollution Control Department upon request.		
(12) Pillsbury (Terre Haute)	Boiler B	0.36
	Boiler C	2.62
	Boiler D	0.36
(13) Pitman-Moore	#9, #10, and #15 Boilers	4.58
	#16 Boiler	0.36
	East Plant Boiler	0.36
(14) Public Service Indiana Wabash River	Boilers 1, 2, 3, 4, 5, and 6	4.04
(15) Rose-Hulman	#1 Voight Boiler	2.26
	#2 Cleaver Brooks Boiler	0.51
	#4 Cleaver Brooks Boiler	0.51
(16) St. Mary's Sisters of Providence	#2 Voight Boiler	3.84
	#3 B & N Boiler	3.84
	#5 B & N Boiler	3.84
	#7 Voight Boiler	3.84
	#8 Voight Boiler	3.84
(17) Snacktime Company	#1 Boiler	0.52
	#12 Boiler	0.52
	#2, #3, #4, and #6	0.52
	Fryer Oil Heaters	
(18) Terre Haute Coke and Carbon	2 CB Boilers	1.79
	2 Standby Boilers	4.55
	No. 1 CB Underfire Stack	0.63
	No. 2 CB Underfire Stack	0.63
(19) Terre Haute Regional Hospital	#1 Boiler	0.45
	(New) #2 Boiler	0.45
(20) Union Hospital Energy Co.	2 Keeler Boilers	0.36
	3 Cleaver Brooks Boilers	0.36
(21) U.S. Penitentiary	#1, #2, and #3 Boilers	0.51
	2 Honor Farm Boilers	0.51
(22) Wabash Fibre Box	Cleaver Brooks Boiler	2.36
(23) Wabash Products Co.	Boiler	natural gas only
(24) Western Tar	Tar Division, Boiler A	0.36
	Tar Division, Boiler B	0.36
	Wood Division, Boiler A	0.36
	Wood Division, Boiler B	0.36
	Tar Division, Process Still	0.36
(25) Weston Paper	B-1 and B-4 Boilers	4.09
	B-5 Warehouse Boiler	2.62

*(Air Pollution Control Board; 326 IAC 7-4-3; filed Aug 28, 1990, 4:50 p.m.: 14 IR 70; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-4 Wayne County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 4. The following sources and facilities located in Wayne County shall comply with the sulfur dioxide emission limitations

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in pounds per million Btu, unless otherwise specified, and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Belden Corp.	Boilers 3,4,5,6 (oil) (common stack)	1.6
(2) Earlham College	Boilers 1 & 2 (oil/gas) (common stack)	1.6
(3) Johns-Manville Co.	Boiler B-2 (oil/gas)	1.6
	Glass Furnaces SX-2,SX-3 (common stack)	9 pounds per ton
(4) Joseph Hill (Plant A)	Boilers 1,2,4 (oil) (common stack)	1.6
	Boiler 3 (oil)	1.6
(5) Joseph Hill (Plant B)	Boilers 1,2,3 (oil/gas) (common stack)	0.3
(6) Kemper	Boiler 1 (coal)	2.3
	Boiler 2 (wood/coal)	2.1
	Boiler 3 (wood/sawdust)	1.2
	Kemper Boilers 1 and 2 also shall be limited to one and three-tenths (1.3) pounds per million Btu, and Boiler 3 also shall be limited to one and two-tenths (1.2) pounds per million Btu based on the annual average sulfur content of the fuel over any twelve (12) consecutive month period.	
(7) NATCO	Boiler 1 (coal)	4.9
	NATCO Boiler 1 also shall be limited to three and seven-tenths (3.7) pounds per million Btu based on the annual average sulfur content of the fuel over any twelve (12) consecutive month period.	
(8) Ralston Purina Co.	Boilers 1 & 2 (oil/gas) common stack)	1.6
(9) Richmond Power and Light (RP&L)	Boilers 1 and 2 (coal) (common stack)	6.0
	RP&L shall construct a new good engineering practice stack with height of at least three hundred twenty-five (325) feet above grade by July 31, 1988.	
(10) Richmond State Hospital	Boilers 1,2,3,4 (coal) (common stack)	6.0
(11) Sanyo E&E	Boiler 1 (coal)	4.9
	Boiler 2 (coal)	4.9
	Sanyo E&E Boilers 1 and 2 also shall be limited to three and nine-tenths (3.9) pounds per million Btu based on the annual average sulfur content of the fuel over any twelve (12) consecutive month period.	
(12) Wallace Metals	Boiler 1 (oil/gas)	1.6
	<i>(Air Pollution Control Board; 326 IAC 7-4-4; filed Aug 28, 1990, 4:50 p.m.: 14 IR 73; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)</i>	

**326 IAC 7-4-5 LaPorte County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 5. The following sources and facilities located in LaPorte County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Indiana State Prison	3 Coal Boilers	5.12
(2) Westville Correctional Center	1 Oil Boiler	1.60
(3) Allis Chalmers	3 Coal Boilers	6.00
(4) Northern Indiana Public Service Company (NIPSCO) Michigan City Plant	3 Oil Boilers	1.60
	Unit 12	6.0
	Units 4, 5, and 6:	
	If only one (1) unit is in operation	2.2
	If two (2) units are in operation	1.11 each
	If three (3) units are in operation	0.74 each

(A) A log of hourly operating status for Units 4, 5, and 6 shall be maintained and made available to the department upon request. A summary indicating which boilers were in service each day of a calendar quarter shall be submitted to the department on a quarterly basis. In addition, records of the daily average sulfur content and sulfur dioxide emission rate for

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each day in which more than one (1) of Units 4, 5, and 6 were in operation shall be submitted to the department quarterly.  
(B) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which NIPSCo relies on more than one (1) set of limits contained in this subdivision, a separate thirty (30) day rolling weighted average for each set of limits shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limits. If NIPSCo does not operate thirty (30) days under any one (1) set of limits within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limits.

(C) For periods when natural gas is the only fuel being burned in Units 4, 5, or 6, the reporting required in clauses (A) and (B) shall be satisfied by indicating that natural gas was the only fuel burned. No reporting of sulfur dioxide emission rates is necessary for these periods.

*(Air Pollution Control Board; 326 IAC 7-4-5; filed Aug 28, 1990, 4:50 p.m.: 14 IR 73; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-6 Jefferson County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 6. The following sources and facilities located in Jefferson County shall comply with the sulfur dioxide emission limitations in pounds per million Btu:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) IKEC—Clifty Creek	Boilers 1, 2, and 3	7.52
	Boilers 4, 5, and 6	7.52
(2) Madison State Hospital	Boilers 1, 2, and 3	6.0

*(Air Pollution Control Board; 326 IAC 7-4-6; filed Aug 28, 1990, 4:50 p.m.: 14 IR 74; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-7 Sullivan County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 7. The following sources and facilities located in Sullivan County shall comply with the sulfur dioxide emission limitations in pounds per million Btu:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) IMEC-Breed	Boiler	9.57
(2) Hoosier Energy-Merom	Boiler 1	1.2
	Boiler 2	1.2

Boiler 1 and Boiler 2 are subject to new source performance standards in the applicable construction permit.

*(Air Pollution Control Board; 326 IAC 7-4-7; filed Aug 28, 1990, 4:50 p.m.: 14 IR 74; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-8 Vermillion County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 8. The following sources and facilities located in Vermillion County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
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|-----------------------------------------|--------------------------------|-----------|
| (1) Public Service Indiana Cayuga (PSI) | Boiler 1 and Boiler 2:         | 4.84 each |
|                                         | On or before December 31, 1988 |           |
|                                         | On or before March 1, 1989     | 4.40 each |

(A) Upon certification by PSI to the commissioner that the Universal Mine cannot assure a long term supply of compliance coal, final compliance with the four and forty-hundredths (4.40) pounds per million Btu sulfur dioxide emission limitation may be extended until December 31, 1989. The commissioner shall notify the U.S. EPA upon receipt of such a certification by PSI.  
(B) PSI may at any time petition the commissioner for a four and forty-eight hundredths (4.48) pounds per million Btu final sulfur dioxide emission limitation. The petition shall include evidence that such a limitation will protect the sulfur dioxide ambient air quality standards on all land not fenced or otherwise effectively restricted from public access. If the commissioner approves such a petition, the department shall amend the operation permit according to procedures specified in 326 IAC 2 and submit the revised permit to U.S. EPA.

- |                                    |                                       |           |
|------------------------------------|---------------------------------------|-----------|
| (2) Newport Army Ammunition        | Boilers 103A, 103B, 103C, and 7700D   | 1.6 each  |
| (3) Eli Lilly Clinton Laboratories | Boiler C31-1                          | 4.72      |
|                                    | Boiler C21-4, C21-1, C21-2, and C21-3 | 0.36 each |

*(Air Pollution Control Board; 326 IAC 7-4-8; filed Aug 28, 1990, 4:50 p.m.: 14 IR 74; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-9 Floyd County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1; IC 13-7

Sec. 9. Sulfur dioxide emissions from the Public Service Indiana (PSI) Gallagher Plant Units 1, 2, 3, and 4 shall be limited to four and seven-tenths (4.7) pounds per million Btu each. *(Air Pollution Control Board; 326 IAC 7-4-9; filed Aug 28, 1990, 4:50 p.m.: 14 IR 74; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-10 Warrick County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1; IC 13-7-10; IC 13-7-16

Sec. 10. (a) The following sources and facilities located in Warrick County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

- (1) Southern Indiana Gas and Electric Company (SIGECO)

<u>Facility Description</u>	<u>Emission Limitations</u>
(A) Culley Units 1, 2, and 3	6.0 each
Prior to December 31, 1989	
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991 (Units 1 and 2 only)	2.79 each

(B) As an alternative to the emission limitations specified in clause (A), beginning August 1, 1991, sulfur dioxide emissions from Culley Units 1 and 2 shall be limited in pounds per million Btu as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
Unit 1	0.0006
Unit 2	4.40

(C) SIGECO shall notify the department and the U.S. EPA via certified mail at least fourteen (14) days prior to its intention to rely on the set of limits in clause (B) or to switch between sets of limits listed in clauses (A) through (B).

(D) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which SIGECO relies on more than one

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(1) set of limits contained in clauses (A) through (B), a separate thirty (30) day rolling weighted average for each set of limits shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limits. If SIGECO does not operate thirty (30) days under any one (1) set of limits within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limits.

(2) Aluminum Company of America (ALCOA) Warrick Power Plant

<u>Facility Description</u>	<u>Emission Limitations</u>
Units 1, 2, 3, and 4	
Prior to December 31, 1989	6.0 each
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991	5.11 each

Unit 4 is jointly owned by ALCOA and SIGECO.

(3) ALCOA Warrick Power Plant and SIGECO Culley Plant

(A) As an alternative to the emission limitations specified in subdivisions (1) through (2) and upon fulfilling the requirements of clause (B), sulfur dioxide emissions from the Warrick and Culley Plants shall be limited to one (1) of the sets of limitations in pounds per million Btu specified as follows:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(i) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	2.0
	Unit 2	2.0
	Unit 3	5.4
(ii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	0.0006
	Unit 2	3.2
	Unit 3	5.4
(iii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	5.4
	Unit 2	0.0006
	Unit 3	5.4

(B) SIGECO and ALCOA shall jointly provide notification via certified mail to the department and to the U.S. EPA prior to December 1, 1989, of their intention to begin permanent reliance on one (1) of the sets of limitations specified in clause (A). The written notification shall contain written evidence of a notarized agreement between SIGECO and ALCOA concerning the applicable set of limitations. Beginning December 31, 1989, sulfur dioxide emissions from each unit shall be limited to five and four-tenths (5.4) pounds per million Btu. Beginning August 1, 1991, SIGECO shall achieve compliance with the applicable emission limitation for each unit with a final emission limitation of three and two-tenths (3.2) pounds per million Btu or less.

(4) ALCOA-Warrick Smelter Operations shall comply with the sulfur dioxide emission limitations in pounds per hour, unless otherwise specified, and other requirements as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
(A) Potline 1:	
All stacks associated with scrubber	176.3
Roof monitors associated with Potline 1	19.6
(B) Potline 2:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 2	21.7
(C) Potline 3:	
All vents or stacks associated with scrubber	195.2
Roof monitors associated with Potline 3	21.7



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(D) Potline 4:		
All vents associated with scrubber		195.2
Roof monitors associated with Potline 4		21.7
(E) Potline 5:		
All stacks associated with scrubber		195.2
Roof monitors associated with Potline 5		21.7
(F) Potline 6:		
All stacks associated with scrubber		195.2
Roof monitors associated with Potline 6		21.7
(G) Potlines 1, 2, 3, 4, 5, and 6	5,608 tons per year total	
(H) Anode Bake Ring Furnace		94.1
		(412 tons per year)

Any sulfur dioxide emission limitation established in a permit issued in conformance with the prevention of significant deterioration rules under 326 IAC 2-2 and/or 40 CFR 52\*, if more stringent, shall supersede the requirements in this subdivision.

(b) Compliance with the pounds per hour limitations specified in subsection (a)(4) shall be based on a stack test pursuant to 326 IAC 7-2-1(b).

(c) Compliance with the tons per year limitations specified in subsection (a)(4) shall be based on a rolling twelve (12) consecutive month emission total. Monthly sulfur dioxide emissions shall be determined from calendar month material balances using actual average sulfur content and material throughput. Quarterly reports shall be submitted to the department containing the calendar month and rolling twelve (12) month sulfur dioxide emissions from the smelter operations (potline scrubber stacks, roof monitors, and anode bake ring furnace). The report shall include documentation of the data and methodology used to calculate the monthly sulfur dioxide emissions and shall be submitted by the end of the month following the end of the quarter.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 7-4-10; filed Aug 28, 1990, 4:50 p.m.: 14 IR 75; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 7-4-11 Morgan County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 11. Indianapolis Power and Light (IPL) Pritchard Generating Station shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Units 1 and 2	0.37 each
(2) Units 3, 4, 5, and 6 on and before September 30, 1990	6.0 each
Unit 3 after September 30, 1990	0.37
Units 4, 5, and 6 after September 30, 1990	3.04 each
(3) As an exception to the emission limitations specified in subdivision (2), after September 30, 1990, at any time in which IPL burns coal on Unit 3, sulfur dioxide emissions from Units 3, 4, 5, and 6 shall be limited to two and fifty-seven hundredths (2.57) pounds per million Btu each.	
(4) Prior to October 31, 1989, IPL shall modify the two (2) stacks serving Units 3, 4, 5, and 6 to increase the height of each stack to at least two hundred and eighty-one (281) feet above grade.	
(5) Prior to February 28, 1989, IPL shall submit completed engineering plans and drawings of flue gas conditioning systems for Units 4 and 5 to the department. Prior to May 31, 1990, IPL shall complete installation of flue gas conditioning systems for Units 4 and 5.	
(6) After September 30, 1990, on a day for which Unit 3 does not burn any coal, the limitations in subdivision (2) are in effect, and compliance shall be determined as specified in 326 IAC 7-2-1(c).	
(7) After September 30, 1990, on a day for which Unit 3 burns any coal, the limitations in subdivision (3) are in effect. As an	

exception to the requirements of 326 IAC 7-2-1(c)(1) on a day for which Unit 3 burns any coal, if the thirty (30) day rolling weighted average for any unit is above two and fifty-seven hundredths (2.57) pounds per million Btu, then 326 IAC 7-2-1(c)(1) does not apply, and the daily average emission rate for that unit for that day shall not exceed two and fifty-seven hundredths (2.57) pounds per million Btu.

(8) After September 30, 1990, for the purposes of determining compliance under 326 IAC 7-2-1(b), stack tests performed on Units 3, 4, 5, and 6 shall demonstrate compliance with the most stringent set of limits in effect at any time during the day prior to or during the test based on the Unit 3 operating status and fuel type as indicated by the log maintained pursuant to subdivision (9).

(9) After September 30, 1990, IPL shall maintain and make available to the department upon request a log of the operating status and fuel type used for Unit 3. In addition, in the quarterly report required by 326 IAC 7-2-1(a), IPL shall submit to the department a daily summary indicating fuel type for Unit 3, and, for days on which Unit 3 burned any coal and any thirty (30) day rolling weighted average was greater than two and fifty-seven hundredths (2.57) pounds per million Btu, IPL shall submit to the department the daily average sulfur content, heat content, and sulfur dioxide emission rate for Units 3, 4, 5, and 6.

*(Air Pollution Control Board; 326 IAC 7-4-11; filed Aug 28, 1990, 4:50 p.m.: 14 IR 76; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-12 Gibson County sulfur dioxide emission limitations (Repealed)**

Sec. 12. *(Repealed by Air Pollution Control Board; filed Nov 5, 1990, 11:53 a.m.: 14 IR 439)*

**326 IAC 7-4-12.1 Gibson County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 12.1. (a) Prior to January 1, 1992, Public Service Indiana (PSI) Gibson Units 1, 2, 3, 4, and 5 shall comply with the sulfur dioxide emission limitations in pounds per million Btu (lbs./MMBtu) and other requirements as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
Units 1, 2, 3, and 4	5.1
Unit 5	
New source performance standard pursuant to 326 IAC 12	1.2
Twenty-four (24) hour average	1.10

(b) Beginning January 1, 1992, Public Service Indiana (PSI) Gibson Units 1, 2, 3, 4, and 5 shall comply with the sulfur dioxide emission limitations in pounds per million Btu (lbs./MMBtu) and other requirements as provided under either subdivision (1) or (2) as follows:

<u>(1) Facility Description</u>	<u>Emission Limitations</u>
Units 1, 2, 3, and 4	
Beginning January 1, 1992	3.57
No later than December 31, 1993	3.13
No later than December 31, 1995	2.7
Unit 5	
Beginning January 1, 1992	
New source performance standard pursuant to 326 IAC 12	1.2
Twenty-four (24) hour average	1.10
No later than December 31, 1995	1.10
<u>(2) Facility Description</u>	<u>Emission Limitations</u>
Units 1, 2, and 3	
Beginning January 1, 1992	3.57
No later than December 31, 1993	3.13

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No later than December 31, 1995	3.19
Unit 4	
Beginning January 1, 1992	3.57
No later than December 31, 1993	3.13
No later than December 31, 1995	0.60

In order to achieve compliance with the sixty-hundredths (0.60) pounds per million Btu emission limitation for Unit 4, PSI shall install and operate a flue gas desulfurization (FGD) system on Unit 4 as follows:

- (A) Select architectural engineer for design of FGD system by July 1, 1992.
- (B) Award contract for construction of FGD system and begin construction by July 1, 1993.
- (C) Complete construction of FGD system by July 1, 1995.
- (D) Begin operation of FGD system by December 31, 1995.

Unit 5

Beginning January 1, 1992	
New source performance standard pursuant to 326 IAC 12	1.2
Twenty-four (24) hour average	1.10
No later than December 31, 1995	1.10

PSI shall indicate in a certified letter to the commissioner whether it intends to comply with the emission limitations and other requirements under either subdivision (1) or (2) by December 31, 1991.

- (c) Notwithstanding PSI's decision to comply as provided under either subsection (b)(1) or (b)(2), PSI shall:
  - (1) secure contracts by July 1, 1991, for the purchase of low-sulfur coal sufficient to attain and maintain compliance with the applicable emission limitations contained in subsection (b)(1) or (b)(2);
  - (2) complete test coal burns and engineering studies by July 1, 1994, to determine the need for particulate control upgrades in order to meet the applicable emission limitations;
  - (3) complete particulate control upgrades, as necessary, by December 31, 1995;
  - (4) establish procedures and complete equipment installation, as appropriate, for coal blending on Units 1, 2, 3, and 4:
    - (A) by September 30, 1991, in order to meet the interim emission limitation of three and fifty-seven hundredths (3.57) pounds per million Btu by December 31, 1991; and
    - (B) by September 30, 1993, in order to meet the interim emission limitation of three and thirteen-hundredths (3.13) pounds per million Btu by December 31, 1993;
  - (5) turn over existing coal stockpile to eliminate higher sulfur coal by December 31, 1991; and
  - (6) construct or utilize effective physical barriers, prior to December 31, 1991, to restrict public access to areas of the PSI Gibson property for which modeled violations were predicted based on the emission limitation of three and fifty-seven hundredths (3.57) pounds per million Btu.

*(Air Pollution Control Board; 326 IAC 7-4-12.1; filed Nov 5, 1990, 11:53 a.m.: 14 IR 438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-13 Dearborn County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1; IC 13-7

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>	
(1)	Indiana Michigan Power Tanners Creek Station	(A) Units 1, 2, and 3	1.2 each
		(B) Unit 4	
		Prior to October 1, 1989	8.3
		Beginning October 1, 1989	6.6
		Beginning August 1, 1991	5.24

Beginning July 1, 1988, coal delivered to the Tanners Creek Station shall not exceed a sulfur dioxide emission rate equivalent to an emission limit of six and six-tenths (6.6) pounds per million Btu.

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- (2) Schenley Distillers, Inc. (A) Boilers 1, 2, 3, 6, 7, and 8 0.6 each  
 (B) Boilers 4, 5, and 9 natural gas only  
 (C) Boilers 6, 7, and 8 40 tons per year total  
 (D) Monthly reports of total sulfur dioxide emissions from Boilers 6, 7, and 8 for the previous twelve (12) consecutive months shall be submitted to the department at the end of each quarter. Sulfur dioxide emissions shall be based on monthly fuel oil usage, average sulfur content, and heating value.

- (3) Joseph E. Seagram and Sons, Inc. (A) Boilers 5 and 6 1.92 each  
 (B) If Boilers 5 and 6 are being operated at the same time, only one (1) of the boilers may use coal or fuel oil. Seagram shall maintain a record of the fuel type used at Boilers 5 and 6 in order to demonstrate compliance with the requirements of this rule. When both boilers are operating simultaneously, daily logs shall be kept. Such records shall be made available to the department upon request. Within thirty (30) days following the end of the calendar quarter in which both Boilers 5 and 6 operated simultaneously, Seagram shall report to the department the fuels used, including daily information for each day during which both boilers operated simultaneously.

- (4) Diamond Thatcher Glass Furnaces 1 and 2 1.4 each

*(Air Pollution Control Board; 326 IAC 7-4-13; filed Aug 28, 1990, 4:50 p.m.: 14 IR 77; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 7-4-14 Porter County sulfur dioxide emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7

Sec. 14. The following sources and facilities located in Porter County shall comply with the sulfur dioxide emission limitations in pounds per million Btu (lbs./MMBtu) and pounds per hour (lbs./hr.), unless otherwise specified, and other requirements:

- (1) Bethlehem Steel Burns Harbor Works:

- (A) The following facilities shall burn natural gas only:

- (i) BOF Shop FM Boiler.
- (ii) 160 inch Plate Mill Continuous Hardening and Annealing Heat Treatment Furnace.
- (iii) 160 inch Plate Mill Boilers No. 2 and 4.
- (iv) Batch Annealing Furnaces (24).
- (v) Continuous Heat Treat Line – Preheat, Heating and Soaking, and Reheat.

- (B) The following facilities shall comply with the sulfur dioxide emission limitations and other requirements:

<u>Facility Description</u>	<u>Emission Limitations</u>	
	<u>lbs./MMBtu</u>	<u>lbs./hr.</u>
(i) Blast Furnace C Stoves	0.83	545
(ii) Blast Furnace D Stoves	0.83	545
(iii) Blast Furnace Flare	0.07	
(iv) Sinter Plant Windbox	1.0 pound per ton process material	400
(v) No. 1 Coke Battery Underfire	1.73	803
(vi) No. 2 Coke Battery Underfire	1.96	911
(vii) Slab Mill Soaking Pits:		

(AA) No more than nine (9) of thirty-two (32) horizontally discharged soaking pits may be fired on coke oven gas at the same time with total sulfur dioxide emissions not to exceed four hundred eighty-two (482) pounds per hour.

(BB) The remaining twenty-three (23) of thirty-two (32) horizontally discharged soaking pits may burn blast furnace and/or natural gas with total sulfur dioxide emissions not to exceed twenty-four (24) pounds per hour.

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(CC) The four (4) vertically discharged soaking pits may burn blast furnace and/or natural gas with total sulfur dioxide emissions not to exceed four (4) pounds per hour.

(viii)	160 inch Plate Mill Continuous Reheat Furnace No. 1 and Boiler No. 1	1.96	299
(ix)	160 inch Plate Mill Continuous Reheat Furnace No. 2 and Boiler No. 3	1.96	299
(x)	80 inch Hot Strip Mill Furnace No. 1, 2, and 3	1.96	79 each
(xi)	110 inch Plate Mill Furnaces No. 1 and 2	1.96	441
(xii)	110 inch Plate Mill Normalizing Furnace	1.07	88
(xiii)	160 inch Plate Mill I & O Furnaces No. 4 and 5	1.96	274
(xiv)	160 inch Plate Mill I & O Furnaces No. 6 and 7	1.96	274
(xv)	160 inch Plate Mill I & O Furnace No. 8	1.96	176
(xvi)	Power Station Boiler No. 7	0.8	520
(xvii)	Power Station Boilers No. 8, 9, 10, 11, and 12	1.45	2,798

(C) As an alternative to the sulfur dioxide emission limitations specified in clause (B), Bethlehem Steel shall comply with the sulfur dioxide emission limitations and other requirements as follows:

		<u>Emission Limitations</u>	
<u>Facility Description</u>	<u>lbs./MMBtu</u>	<u>lbs./hr.</u>	
(i)	Blast Furnace C Stoves	0.75	498
(ii)	Blast Furnace D Stoves	0.75	498
(iii)	Blast Furnace Flare	0.07	
(iv)	Sinter Plant Windbox	1.0 pound per ton process material	400
(v)	No. 1 Coke Battery Underfire	1.57	730
(vi)	No. 2 Coke Battery Underfire	1.78	828
(vii)	Slab Mill Soaking Pits:		

(AA) No more than six (6) of thirty-two (32) horizontally discharged soaking pits may be fired on coke oven gas at the same time with total sulfur dioxide emissions not to exceed two hundred ninety-two (292) pounds per hour.

(BB) The remaining twenty-six (26) of thirty-two (32) horizontally discharged soaking pits may burn blast furnace and/or natural gas with total sulfur dioxide emissions not to exceed twenty-seven (27) pounds per hour.

(CC) The four (4) vertically [*sic.*] discharged soaking pits may burn blast furnace and/or natural gas with total sulfur dioxide emissions not to exceed four (4) pounds per hour.

(viii)	160 inch Plate Mill Continuous Reheat Furnace No. 1 and Boiler No. 1	1.78	293
(ix)	160 inch Plate Mill Continuous Reheat Furnace No. 2 and Boiler No. 3	1.78	293
(x)	80 inch Hot Strip Mill Furnace No. 1, 2, and 3	1.78	483 each
(xi)	110 inch Plate Mill Furnaces No. 1 and 2	1.78	401
(xii)	110 inch Plate Mill Normalizing Furnace	1.07	88
(xiii)	160 inch Plate Mill I & O Furnaces No. 4 and 5	1.78	249
	If 160 inch Plate Mill I & O Furnaces No. 6 and/or 7 are in operation on a fuel other than natural gas, Furnaces No. 4 and 5 shall not operate or shall burn natural gas only.		
(xiv)	160 inch Plate Mill I & O Furnaces No. 6 and 7	1.78	249
	If 160 inch Plate Mill I & O Furnaces No. 4 and/or 5 are in operation on a fuel other than natural gas, Furnaces No. 6 and 7 shall not operate or shall burn natural gas only.		
(xv)	160 inch Plate Mill I & O Furnace No. 8	1.78	160
(xvi)	Power Station Boilers No. 7	0.8	520
(xvii)	Power Station Boilers No. 8, 9, 10, 11, and 12	1.45 total	2,500 total

(xviii) Bethlehem Steel shall notify the department at least twenty-four (24) hours prior to reliance on the alternative set of limits specified in items (i) through (xvii). Bethlehem Steel shall maintain records of fuel type

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and operational status of facilities listed in items (xiii) and (xiv) and shall make the records available to the department upon request.

(xix) For the purposes of 326 IAC 7-2-1(c)(2), compliance shall be determined based on separate calendar month averages for the set of requirements specified in this clause and for the set of requirements specified in clause (B).

(D) Coke oven gas usage at facilities other than the No. 1 and 2 Coke Battery Underfire Stacks shall be restricted to no more than seventy-five (75) million cubic feet per day. Total sulfur dioxide emissions from the facilities listed in clause (B)(i) through (B)(iv), (B)(vii)(AA) through (B)(vii)(BB), (B)(viii) through (B)(xi), and (B)(xiii) through (B)(xvii) shall not exceed four thousand four hundred twenty-nine (4,429) pounds per hour. During periods in which the limits contained in clause (C) are in effect, coke oven gas usage at facilities other than the No. 1 and 2 Coke Battery Underfire Stacks shall be restricted to no more than seventy (70) million cubic feet per day, and total sulfur dioxide emissions from the facilities listed in clause (C)(i) through (C)(iv), (C)(vii)(AA) through (C)(vii)(BB), (C)(viii) through (C)(xi), and (C)(xiii) through (C)(xvii) shall not exceed four thousand six hundred thirty (4,630) pounds per hour.

(E) Bethlehem Steel shall achieve compliance with the requirements specified in clause (B) or (C) prior to December 31, 1988. Thereafter, Bethlehem Steel shall submit a report to the department within thirty (30) days following the end of each calendar quarter containing the following information:

(i) Records of the total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in clauses (B) through (C).

(ii) Records of the average sulfur content and heating value as determined per the procedures specified in clause (F) for each fuel type used during the calendar quarter and of the maximum number of slab mill soaking pits burning coke oven gas at any given time during each day.

(iii) The calculated sulfur dioxide emission rate in the applicable emission units (pounds per hour, pounds per million Btu, and/or pounds per ton) for each facility for each day and the average sulfur dioxide emissions from the facilities listed in clause (C)(i) through (C)(iv), (C)(vii)(AA) through (C)(vii)(BB), (C)(viii) through (C)(xi), and (C)(xiii) through (C)(xvii) for each day in pounds per hour during the calendar quarter.

(F) Bethlehem Steel shall submit a sampling and analysis protocol to the department by December 31, 1988. The protocol shall contain a description of planned procedures for sampling of sulfur-bearing fuels and materials, for analysis of the sulfur content, and for any planned direct measurement of sulfur dioxide emissions vented to the atmosphere. The protocol shall specify the frequency of sampling, analysis, and/or measurement for each fuel and material and for each facility. The department shall incorporate the protocol into the source's operation permit per procedures specified in 326 IAC 2. The department may revise the protocol as necessary to establish acceptable sampling, analysis, and/or measurements procedures and frequency. The department may also require that a source conduct a stack test at any facility listed in this subdivision within thirty (30) days of written notification by the department.

(2) Northern Indiana Public Service Company Bailly Station:

<u>Facility Description</u>	<u>Emission Limitations</u>
(A) Boilers 7 and 8	<u>lbs./MMBtu</u> 6.0 each
Boilers 7 and 8 shall be fired with coal, fuel oil, or natural gas.	
(B) Gas Turbine 10	natural gas only

(3) Midwest Steel:

<u>Facility Description</u>	<u>Emission Limitations</u>
Babcock and Wilcox Boiler 1 and Erie City Boilers No. 1, 2, 1.33 and 3	<u>lbs./MMBtu</u> 1.33 each

Only two (2) of four (4) boilers may burn fuel oil with a sulfur dioxide emission rate greater than three-tenths (0.3) pounds per million Btu at the same time. Midwest Steel shall maintain records of fuel type for each boiler for each hour. The records of fuel type shall be made available to the department upon request.

(4) Air Products and Chemical:

<u>Facility Description</u>	<u>Emission Limitations</u>
All boilers and the No. 3 Hydrogen Reformer	natural gas only

*(Air Pollution Control Board; 326 IAC 7-4-14; filed Aug 28, 1990, 4:50 p.m.: 14 IR 78; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**ARTICLE 8. VOLATILE ORGANIC COMPOUND RULES**

**Rule 1. General Provisions**

**326 IAC 8-1-0.5 Definitions**

Authority: IC 13-14-8; IC 13-17-3-4  
 Affected: IC 13-12-3-1

Sec. 0.5. (a) The definitions in this section apply throughout this article.

(b) "Agency" means the department of environmental management, office of air management, located at the Indiana Government Center-North, 100 North Senate Avenue, Room 1001, Indianapolis, Indiana 46204.

(c) "Coating" means the application of protective, functional, or decorative films. (*Air Pollution Control Board; 326 IAC 8-1-0.5; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed Oct 28, 1993, 5:00 p.m.: 17 IR 331; filed Sep 18, 1995, 3:00 p.m.: 19 IR 202*)

**326 IAC 8-1-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule contains general provisions applicable to all other rules in this article. Once a facility becomes subject to a rule within this article under any rule applicability section in this article, such facility shall remain subject to such rule notwithstanding any subsequent decrease in VOC emissions unless the provisions of subsections (b) through (d) are met. Any proposal to establish an alternative limitation or requirement other than the streamlining of multiple requirements shall be in accordance with section 5 of this rule.

(b) A facility subject to this article may be exempted by the commissioner from any of these applicability sections if the facility has an enforceable permit issued under 326 IAC 2 or a federally-approved SIP revision that permanently restricts one (1) or more facility activities that result in VOC emissions, such as production, hours of operation, or capacity utilization, such that restrictions lower actual emissions before add-on controls to a level below fifteen (15) pounds per day. Upon expiration of any facility's permit, such exemption shall also expire, and such facility shall be subject to the requirements of all applicable rules within this article, unless a renewed permit containing such exemption is issued pursuant to 326 IAC 2.

(c) The permit or other enforceable document referenced in subsection (b) shall also require a facility owner or operator to keep records to demonstrate compliance with the permit or document restrictions. If the restriction is based on actual emissions or operations, the facility owner or operator shall keep records of throughput or actual coating usage to determine compliance. If the applicability level of the rule is in terms of actual emissions per day, the facility owner or operator shall be required to keep, at a minimum, daily consumption records, certification of VOC emission rates, and daily calculation of VOC emissions. If the rule specifies an applicability level based on potential emissions per year, the permit or enforceable document shall restrict actual production, hours of operation, and/or capacity utilization on a monthly basis, and the facility owner or operator shall be required to keep, at a minimum, daily consumption records, certification of VOC emission rates, and monthly calculations of VOC emissions.

(d) All permits, renewed permits, and other enforceable documents referenced in subsection (b) shall be submitted to the U.S. EPA as SIP revisions. (*Air Pollution Control Board; 326 IAC 8-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2527; filed May 6, 1991, 4:45 p.m.: 14 IR 1712; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2369; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1601*)

**326 IAC 8-1-2 Compliance methods**

Authority: IC 13-14-8  
 Affected: IC 13-17

Sec. 2. (a) The emission limitations specified in this article shall be achieved through one (1) or any combination of the following:

(1) Carbon adsorption.

(2) Thermal or catalytic incineration. The owner or operator of a source using a natural gas afterburner incineration method may petition the commissioner for permission to not operate the natural gas afterburner during the months of November, December, January, February, and March. The commissioner may allow such exemption if the owner or operator adequately

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demonstrates that the operation of the natural gas afterburner is not required for control of toxic substances or odor.

(3) Higher solids (low solvent) coating.

(4) Water borne coatings.

(5) Equivalent emission limitations based on an actual measured transfer efficiency higher than the specified baseline transfer efficiency. This subdivision is applicable only to 326 IAC 8-2-2(b)(2), automobiles and light duty truck assembly; 326 IAC 8-2-6, metal furniture coating; and 326 IAC 8-2-7, large appliance coating. The equivalent emission limitations in units of kilograms of volatile organic compounds (VOC) per liter solids deposited (pounds of VOC per gallon solids deposited), baseline transfer efficiencies, and baseline volume percent solids content of the coating are specified below:

Category	Equivalent Emission Limit	Baseline Transfer Efficiency	Baseline Percent Solids
Automobiles and light duty trucks assembly (topcoat)	1.83 (15.1)	30	62.0
Metal furniture	1.01 (8.4)	60	59.2
Large appliances	0.91 (7.4)	60	62.0

For automobile and light duty topcoating operations, compliance with the equivalent emission limit shall be determined using:

(A) procedures found in "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations"; EPA-450/3-88-018; December 1988\*; or

(B) another procedure approved by the commissioner.

For metal furniture or large appliance coating operations, compliance with the equivalent emission limit shall be determined using the procedures approved by the commissioner. Unless the method for determining actual measured transfer efficiency has been approved or specified by the United States Environmental Protection Agency (U.S. EPA), the equivalent emission limitation shall be submitted to the U.S. EPA as a state implementation plan (SIP) revision.

(6) The use of nonphotochemically reactive hydrocarbons as defined in 326 IAC 1-2-48.

(7) A daily volume-weighted average of all coatings applied in a coating line or printing line subject to the requirements in 326 IAC 8-2 or 326 IAC 8-5-5. Records of daily usage of gallons solids coating and VOC content of each coating or ink solvent shall be maintained and made available upon request. Also, records of daily emissions in pounds VOC shall be maintained and made available upon request. If daily records sufficient to determine an accurate daily weighted average are not available, each coating or ink solvent shall meet the requirements of the applicable section.

(8) The use of an emission control device specifically allowed under provisions of any rule in this article to meet the emission limitations specified in the rule.

(9) Equivalent emissions limitations based on an actual measured transfer efficiency higher than the specified baseline transfer efficiency. This subdivision is applicable only to miscellaneous metal coating operations subject to 326 IAC 8-2-9.

(A) Equivalent emission limits in units of kilograms of VOC per liter solids deposited (pounds of VOC per gallon solids deposited), baseline transfer efficiencies, and baseline volume percent solids content of coatings are as follows:

Miscellaneous Metal Coating Category	Equivalent Emission Limit kg/l (lbs/gal) of Solids Deposited	Baseline Transfer Efficiency	Baseline Volume Percent Solids
Clear coatings	2.08 (17.3)	60	41.6
Air dried up to 90°C	1.34 (11.2)	60	52.4
Extreme performance coatings	1.34 (11.2)	60	52.4
All other coatings and coating systems	1.01 (8.4)	60	59.2

(B) Compliance with the equivalent emission limit shall be determined according to the following equation:

$$E = \frac{L}{[(1-(L/D)) \times (T)]}$$

- Where:
- E = Equivalent emission limit in pounds of VOC per gallon of coating solids deposited.
  - L = Actual VOC content in pounds of VOC per gallon of coating, as applied.
  - D = Actual density of VOC in coating in pounds per gallon of VOC.
  - T = Actual measured transfer efficiency.

Unless the method for determining actual measured transfer efficiency has been approved or specified by the U.S. EPA, the equivalent emission limitation shall be submitted to the U.S. EPA as an SIP revision.



(10) For dip or flow coating operations only, miscellaneous metal coating operations subject to the requirements of 326 IAC 8-2-9 may determine compliance by using one (1) of the following methods:

(A) A monthly volume-weighted average of all coatings applied in a coating tank, flow coater, or flow coating line. For each coating, thinner, or solvent, the following records shall be maintained:

- (i) Monthly usage.
- (ii) VOC content as supplied by the manufacturer for coatings, thinners, and solvents.
- (iii) Monthly emissions in pounds of VOC.
- (iv) Calculated monthly volume-weighted average VOC content of the coating as applied.

If monthly records sufficient to determine an accurate monthly weighted average are not available, then a compliance method specified in this subsection or subsection (b) must be used to confirm compliance. Records necessary for determining compliance shall be maintained at the source for a minimum of three (3) years and shall be made available upon request.

(B) Using coatings in compliance with 326 IAC 8-2-9(d), in the tank or reservoir, and maintaining a viscosity of the coatings that is no less than the viscosity of the initial coating. During the first year of operation using this compliance method the source must demonstrate, by means of viscosity readings and a minimum of two (2) U.S. EPA approved VOC content tests, performed at a minimum four (4) month interval, that the VOC content of the coating as applied does not exceed the VOC content stipulated in 326 IAC 8-2-9(d). Such testing must comply with the provisions of 326 IAC 3-2.1 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.]. After the first year of operation and providing that the VOC content tests have confirmed compliance using viscosity readings, the source may use viscosity readings to confirm compliance. Sources may monitor the viscosity of the coating with a viscosity meter or an equivalent method approved by the department. The viscosity shall be measured weekly or after each time solvent is added to the tank or reservoir, whichever is more frequent. The viscosity measurement must be corrected for the temperature of the coating in the tank or reservoir and the solvent density of the thinner. Records of viscosity and temperature, sufficient to confirm compliance, shall be maintained at the source for a minimum of three (3) years and shall be made available upon request. Equipment necessary to demonstrate compliance based on viscosity must be properly maintained and available at all reasonable times. If viscosity is not monitored, then another compliance method specified in this subsection must be used to confirm compliance. For determining compliance based on this clause, an actual test, using approved methods such as a U.S. EPA Method 24 test and sampling procedures, of the VOC content of the coating in the tank or reservoir shall take precedence over viscosity.

(b) VOC emissions shall be limited to no greater than the equivalent emissions, expressed as pounds of VOC per gallon of coating solids, allowed under the applicable emission limitation contained in this article for any surface coating operation using the compliance methods contained in subsection (a) or section 5 of this rule. Equivalency shall be determined by the following equation:

$$E = \frac{L}{1 - \frac{L}{D}}$$

Where: L = Applicable emission limit from this article in pounds of VOC per gallon of coating.  
 D = Density of VOC in coating in pounds per gallon of VOC.  
 E = Equivalent emission limit in pounds of VOC per gallon of coating solids as applied.

A solvent density of seven and thirty-six hundredths (7.36) pounds of VOC per gallon of coating shall be used to determine equivalent pounds of VOC per gallon of solids for the applicable emission limit contained in this article. Actual solvent density shall be used to determine compliance of surface coating operations using the compliance methods contained in subsection (a) or section 5 of this rule.

(c) The overall efficiency of any capture system and control device determined by the test methods and procedures specified in section 4 of this rule shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$O = \frac{V-E}{V} \times 100$$

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Where: V = The actual VOC content of the coating or, if multiple coatings are used, the daily weighted average VOC content of all coatings, as applied to the subject coating line as determined by the applicable test methods and procedures specified in section 4 of this rule in units of pounds of VOC per gallon of coating solids as applied.

E = Equivalent emission limit in pounds of VOC per gallon of coating solids as applied.

O = Equivalent overall efficiency of the capture system and control device as a percentage.

(d) Any equivalent method which is allowed to be used to determine or achieve compliance with any provision of this article shall be submitted to the U.S. EPA as a SIP revision.

\*This document has been incorporated by reference and is available at the Indiana Department of Environmental Management, Office of Air Management. (*Air Pollution Control Board; 326 IAC 8-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2527; errata, 11 IR 2632; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676; filed May 9, 1990, 5:00 p.m.: 13 IR 1845; filed May 6, 1991, 4:45 p.m.: 14 IR 1713; filed Aug 21, 1996, 2:00 p.m.: 20 IR 6*)

### **326 IAC 8-1-3 Compliance schedules**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) All sources located in Clark, Floyd, Lake, Marion, and Porter Counties which were in operation prior to December 28, 1979, and not meeting the requirements of 326 IAC 8-2-2 through 326 IAC 8-2-8, Surface Coating of Autos, Cans, Coils, Paper, Metal Furniture, Large Appliances, and Magnet Wire, 326 IAC 8-2-11, Fabric and Vinyl Coating, 326 IAC 8-3, Degreasing, 326 IAC 8-4-2, Petroleum Refineries, 326 IAC 8-4-3(b), Fixed Roof Tanks, 326 IAC 8-4-4, Bulk Gasoline Terminals, 326 IAC 8-4-5, Bulk Gasoline Plants, 326 IAC 8-4-7, Gasoline Transport, and 326 IAC 8-5-2, Asphalt Paving, shall achieve compliance as expeditiously as practicable, but not later than indicated in the following compliance schedule:

(1) Submittal of plans and specifications to the board by December 31, 1980.

(2) Contracts for emission control systems or process modification awarded or purchase orders issued by March 31, 1981.

(3) Initiation of on-site construction or installations by June 30, 1981.

(4) Completion of on-site construction or installations by September 30, 1982.

(5) Demonstration of final compliance by December 31, 1982.

(b) All sources located in Clark, Floyd, Lake, Marion, and Porter Counties which were in operation prior to November 1, 1980, and not meeting the requirements of 326 IAC 8-2-9, Miscellaneous Metal Coating, 326 IAC 8-2-10, Flat Wood Coating, 326 IAC 8-4-3(c), Floating Roof Tanks, 326 IAC 8-4-8, Refinery Leaks, 326 IAC 8-4-9, Truck Leaks, 326 IAC 8-5-3, Synthesized Pharmaceutical Manufacturing, 326 IAC 8-5-4, Rubber Tire Manufacturing, and 326 IAC 8-5-5, Graphic Arts, shall achieve compliance as expeditiously as practicable, but not later than indicated in the following compliance schedule:

(1) Submittal of plans and specifications to the board by June 30, 1981.

(2) Contracts for emission control system or process modification awarded or purchase orders issued by August 31, 1981.

(3) Initiation of on-site construction or installations by October 31, 1981.

(4) Completion of on-site construction or installations by October 31, 1982.

(5) Demonstration of final compliance by December 31, 1982.

(c) All sources located in Elkhart and St. Joseph Counties which either were in operation prior to December 28, 1979, and are not meeting the requirements of 326 IAC 8-2-2 through 326 IAC 8-2-8, Surface Coating of Autos, Cans, Coils, Paper, Metal Furniture, Large Appliances, and Magnet Wire, 326 IAC 8-2-11, Fabric and Vinyl Coating, 326 IAC 8-3, Degreasing, 326 IAC 8-4-2, Petroleum Refineries, 326 IAC 8-4-3(b), Fixed Roof Tanks, 326 IAC 8-4-4, Bulk Gasoline Terminals, 326 IAC 8-4-5, Bulk Gasoline Plants, 326 IAC 8-4-7, Gasoline Transport, and 326 IAC 8-5-2, Asphalt Paving or were in operation prior to November 1, 1980, and are not meeting the requirements of 326 IAC 8-2-9, Miscellaneous Metal Coating, 326 IAC 8-2-10, Flat Wood Coating, 326 IAC 8-4-3(c), Floating Roof Tanks, 326 IAC 8-4-8, Refinery Leaks, 326 IAC 8-4-9, Truck Leaks, 326 IAC 8-5-3, Synthesized Pharmaceutical Manufacturing, 326 IAC 8-5-4, Rubber Tire Manufacturing, and 326 IAC 8-5-5, Graphic Arts, shall achieve compliance as expeditiously as practicable, but not later than indicated in the following compliance schedule:

(1) Submittal of plans and specifications to the board by June 30, 1985.

(2) Contracts for emission control systems or process modification awarded or purchase orders issued by August 31, 1985.

(3) Initiation of on-site construction or installation by October 31, 1985.

(4) Completion of on-site construction or installation by September 30, 1986.

(5) Demonstration of final compliance by December 31, 1986.

(d) In cases where an existing facility demonstrates that compliance is not possible by the interim dates specified in subsection (a), an extension may be granted by the commissioner. The facility shall submit a letter of intent which shows compliance with this rule as expeditiously as possible, but in no event later than December 31, 1982, and shall include a schedule of dates for the following:

(1) Submittal of plans.

(2) Start construction.

(3) Completion of construction.

(4) Achieving compliance.

(5) Submit performance results.

Once the board has approved a source's compliance plan, the plan shall be incorporated into the facilities' permit and the plan shall be submitted to the U.S. EPA as a SIP revision. Failure to operate within these conditions shall be considered a violation of this rule.

(e) In cases where an existing facility demonstrates that the emission limitation specified in this rule is not attainable considering economic and technological feasibility, and no offset is available to satisfy 326 IAC 2-4, the source may petition the board to receive an extension beyond the dates specified in subsections (a) through (c). The petition shall include the following:

(1) Dates of equipment modification plans.

(2) Dates of equipment installation and/or construction.

(3) Yearly emission limitations demonstrating reasonable further progress.

(4) Date of final compliance, in no case later than December 31, 1987.

Once the commissioner has approved a source's compliance plan, it shall be incorporated into the facilities' permit and the plan shall be submitted to the U.S. EPA as a SIP revision. Failure to operate within these conditions shall be considered a violation of this rule.

(f) All sources located in Clark, Floyd, Lake, Marion, Hendricks, and Porter Counties with a monthly throughput of twenty thousand (20,000) gallons per month or greater and not meeting the requirements of 326 IAC 8-4-6, Gasoline Dispensing Facilities, shall achieve compliance as expeditiously as practical, but not later than in the compliance schedule listing in subsection (a) for those sources in operation prior to January 1, 1980.

(g) All sources located in Elkhart and St. Joseph Counties with a monthly throughput of twenty thousand (20,000) gallons per month or greater, and not meeting the requirements of 326 IAC 8-4-6, Gasoline Dispensing Facilities, shall achieve compliance as expeditiously as practicable but not later than in the compliance schedule listed in subsection (c).

(h) All sources located in Clark, Elkhart, Floyd, Hendricks, Lake, Marion, Porter, and St. Joseph Counties which were in operation prior to January 1, 1980, and have a monthly throughput between ten thousand (10,000) and twenty thousand (20,000) gallons per month, and not meeting the requirements of 326 IAC 8-4-6, Gasoline Dispensing Facilities, shall achieve compliance as expeditiously as practicable, but not later than indicated in the following compliance schedule:

(1) Submittal of plans and specifications to the board by June 30, 1986.

(2) Contracts for emission control system or process modification awarded or purchase orders issued by August 31, 1986.

(3) Initiation of on-site construction or installation by October 31, 1986.

(4) Completion of on-site construction or installation by September 30, 1987.

(5) Demonstration of final compliance by December 31, 1987.

(i) All sources subject to the requirements of 326 IAC 8-4 located in Boone, Dearborn, Hamilton, Hancock, Harrison, Johnson, Morgan, and Shelby Counties which were in existence prior to July 1, 1989, shall achieve compliance not later than July 1, 1990. (*Air Pollution Control Board; 326 IAC 8-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2528; errata, 11 IR 2632; filed Aug 11, 1989, 1:40 p.m.: 13 IR 6*)

**326 IAC 8-1-4 Testing procedures**

Authority: IC 13-14-8; IC 13-14-9-7

Affected: IC 13-15; IC 13-17

Sec. 4. (a) The following test methods and procedures shall be used to determine compliance of as-applied coatings with the limitations contained in this article:

(1) Sampling procedures shall follow the guidelines presented in the following:

(A) ASTM D3925, "Standard practice for sampling liquid paints and related pigment coatings"\*.

(B) ASTM E300, "Standard practice for sampling industrial chemicals"\*.

(2) Samples collected for analysis shall be one (1) liter taken into a one (1) liter container at a location and time such that the sample will be representative of the coating as applied. The container must be tightly sealed immediately after the sample is taken. Any solvent or other volatile organic material added after the sample is taken must be measured and accounted for in the calculations in subdivision (4). For multiple package coatings, separate samples of each component shall be obtained.

(3) The following applicable analytical methods shall be used to determine the composition of coatings as applied:

(A) Method 24 of 40 CFR 60, Appendix A\*\*, shall be used to determine the volatile organic compound content in coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

(B) Method 24A of 40 CFR 60, Appendix A\*\*, shall be used to determine the volatile organic compound content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24A results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24A test and a facility's formulation data, the Method 24A test will govern.

(C) The following ASTM methods are the analytical procedures for determining certain factors related to coatings:

(i) ASTM D1475-60, "Standard test method for density of paint, varnish, lacquer, and related products"\*.

(ii) ASTM D2369-87, "Standard test method for volatile content of a coating"\*.

(iii) ASTM D3792-86, "Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph"\*.

(iv) ASTM D4017-81, "Standard test method for water content in paints and paint materials by the Karl Fischer method"\*.

(v) ASTM D4457-85, "Standard test method for determination of dichloromethane and 1, 1, 1, trichloroethane in paints and coatings by direct injection into a gas chromatograph"\*.

(vi) ASTM D2697-86, "Standard test method for volume nonvolatile matter in clear or pigmented coatings"\*.

(vii) ASTM D3980, "Standard practice for interlaboratory testing of paint and related materials"\*.

(viii) ASTM E180-85, "Practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals"\*.

(ix) ASTM D2372-85, "Standard method of separation of vehicle from solvent-reducible paints"\*.

(D) The commissioner may determine that the analytical methods specified in clauses (A) through (C) are not appropriate to determine compliance and may either specify or allow an alternate test method. Such alternate test method shall be submitted to the U.S. EPA as a SIP revision.

(4) Calculations for determining the volatile organic compound content, water content, and the content of any compounds which are specifically exempted from the definition of volatile organic compound of coatings, inks, and fountain solutions as applied shall follow the guidance provided in the following documents:

(A) EPA 340/1-86-016, "A Guide for Surface Coating Calculation"\*\*\*.

(B) EPA 450/3-84-019, "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings", revised June 1986\*\*\*.

(C) EPA 340/1-88-004, "A Guideline for Graphic Arts Calculations", June 1988\*\*\*.

(b) The protocol for determining the transfer efficiency of coating applicators at topcoat coating operations at an automobile assembly facility shall follow the procedure in EPA 450/3-88-018, "Protocol for Determining the Daily VOC Emission Rate of Automobile and Light Duty Truck Topcoat Operations", December 1988\*\*\*.

(c) The following test methods, as appropriate, shall be used by emission sources required to determine capture efficiency:

(1) Test methods in 40 CFR 51, Appendix M\*\*, as follows:

(A) Method 204, Criteria for and Verification of a Permanent or Temporary Total Enclosure.

(B) Method 204A, Volatile Organic Compounds Content in Liquid Input Stream.

(C) Method 204B, Volatile Organic Compounds Emissions in Captured Stream.

(D) Method 204C, Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique).

(E) Method 204D, Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure.

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(F) Method 204E, Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure.

(G) Method 204F, Volatile Organic Compounds Content in Liquid Input Stream (Distillation Approach).

(2) Alternative capture efficiency protocols and test methods may be used that satisfy criteria of either the data quality objective approach or the lower confidence limit approach as listed in 40 CFR 63, Subpart KK, Appendix A\*\*.

(d) Control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase volatile organic material concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f).

(e) The overall efficiency of the emission control system shall be determined as the product of each individual capture system efficiency and each control device efficiency or by the liquid/liquid test protocol for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency represents the total capture efficiency over the entire line.

(f) Determination of control efficiency shall be made using the following methods in 40 CFR 60, Appendix A\*\*:

(1) Method 18, 25, or 25A, as appropriate to the conditions at the site, shall be used to determine volatile organic compound concentration. Method selection shall be based on consideration of the diversity of organic species present, their total concentration, and on consideration of the potential presence of interfering gases. Except as indicated in the following, the test shall consist of three (3) separate runs, each lasting a minimum of sixty (60) minutes, unless the commissioner determines that process variables dictate shorter sampling times:

(A) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three (3) separate runs, each coinciding with one (1) or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

(B) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three (3) separate runs. Each run shall coincide with one (1) or more complete adsorption cycles.

(2) Method 1 or 1A shall be used for sample and velocity traverses.

(3) Method 2, 2A, 2C, or 2D shall be used for velocity and volumetric flow rates.

(4) Method 3 shall be used for gas analysis.

(5) Method 4 shall be used for stack gas moisture.

(6) Methods 2, 2A, 2C, 2D, 3, and 4 shall be performed, as applicable, at least twice during each test run.

(g) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR Part 60, Subpart XXX, Section 60.503\*\*. Guidance on conducting the test will be found in the following:

(1) EPA 340/1-80-012, "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations"\*\*\*.

(2) EPA 450/2-77-026, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals"\*\*\*.

(h) The method for determining volatile organic compound emissions from organic solvent degreasing operations are delineated in EPA 905/2-78-001, "Regulatory Guidance for Control of Volatile Organic Compound Emissions from 15 Categories of Stationary Sources", Section XX.9404, pages 48 and 49\*\*\*.

(i) The VOC emissions from sources engaged in synthesized pharmaceutical manufacturing (326 IAC 8-5-3), pneumatic rubber tire manufacturing (326 IAC 8-5-4), and graphic arts system (326 IAC 8-5-5) shall be determined using the Method 25 contained in 40 CFR Part 60, Appendix A\*\*.

(j) Compliance with the gap requirement for external floating roof tanks shall be determined using the test procedure specified in the U.S. EPA guideline document EPA 450/2-78-047, "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks"\*\*\*.

(k) The volume percent solids of a coating shall be calculated using either EPA 450/3-84-019\*, "Procedures for Certifying Quantity of VOCs Emitted by Paint, Ink, and Other Coatings", December 1984\*\*\* and no later amendments or using some other equivalent method. Such equivalent method shall be submitted to U.S. EPA as a SIP revision.

(l) An owner or operator of a source must be able to document that the coating manufacturer used either ASTM D2369-87\* or other equivalent method to determine the volatile content of the coatings supplied and must also be able to document that the coating manufacturer used EPA 450/3-84-019\*\*\* or other equivalent method to calculate the volume percent solids content of the coatings. Such equivalent method shall be submitted to the U.S. EPA as a SIP revision.

(m) The commissioner or U.S. EPA may verify any test results submitted by a source. In the event of any inconsistency between test results, the commissioner's or U.S. EPA's test results will take precedence over results submitted by the source.

\*These documents have been incorporated by reference and are available at the American Society for Testing and Materials

(ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, (610) 832-9585 or the Indiana Department of Environmental Management, Office of Air Management.

\*\*These documents have been incorporated by reference and are available at the Government Printing Office, Washington, D.C. 20402 or are available for copying from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

\*\*\*These EPA guidance documents have been incorporated by reference and are available at the Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (919/541-2777) or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2529; filed Sep 23, 1988, 11:59 a.m.: 12 IR 257; filed May 19, 1990, 5:00 p.m.: 13 IR 1847; filed May 6, 1991, 4:45 p.m.: 14 IR 1714; filed Jun 15, 2001, 12:10 p.m.: 24 IR 3619*)

### **326 IAC 8-1-5 Petition for site-specific reasonably available control technology (RACT) plan**

Authority: IC 13-1-1-4; IC 13-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7

Sec. 5. (a) An owner or operator of a source may submit a petition to the commissioner requesting a site-specific Reasonably Available Control Technology (RACT) plan as an alternative to the requirements specified in 326 IAC 8. This petition for site-specific RACT must contain:

- (1) the name and address of the company and the name and telephone number of a responsible company representative over whose signature the petition is submitted;
- (2) a description of all operations conducted at the location to which the petition applies and the purpose the volatile organic compound emitting equipment serves within the operations;
- (3) reference to the specific emission limits, operational or equipment controls for which alternative emission limits, operational or equipment controls are proposed;
- (4) a detailed description of the proposed alternative emission limits, operational or equipment controls, the magnitude of volatile organic compound emission reduction which will be achieved, and the quantity and composition of volatile organic compounds which will be emitted if the alternative emission limits, operational or equipment controls are instituted;
- (5) a schedule for the installation or institution of the alternative operational or equipment controls in conformance with the appropriate compliance schedule section;
- (6) a demonstration that the alternative control program constitutes reasonably available control technology for the petitioned facility. The factors to be presented in this demonstration include but are not limited to:
  - (A) the capital expenditure necessary to achieve the petitioned level of control;
  - (B) the impact of these costs on the firm;
  - (C) the energy requirements of the petitioned level of control;
  - (D) the impact on the environment in terms of any increase in air, water, and solid waste effluent discharge of the petitioned level of control;
  - (E) any adverse worker or product safety implications of the petitioned level of control; and
  - (F) an analysis for each of the factors in clauses (A) through (E) above for the control levels otherwise required by 326 IAC 8.

(b) The commissioner shall approve a petition for a site-specific RACT plan if:

- (1) the petition is submitted in accordance with subsection (a) of this section;
- (2) the petition demonstrates that the alternative control measures represent reasonably available control technology;
- (3) the petition contains a compliance schedule for achieving and maintaining a reduction of volatile organic compound emissions as expeditiously as practicable.

(c) Site-specific RACT plans shall be submitted to the U.S. EPA as a SIP revision. (*Air Pollution Control Board; 326 IAC 8-1-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2530*)

### **326 IAC 8-1-6 New facilities; general reduction requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 6. New facilities (as of January 1, 1980), which have potential emissions of 22.7 megagrams (25 tons) or more per year, located anywhere in the state, which are not otherwise regulated by other provisions of this article (326 IAC 8), shall reduce VOC emissions using best available control technology (BACT). (*Air Pollution Control Board; 326 IAC 8-1-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2530*)

**326 IAC 8-1-7 Military specifications**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 7. If emission limitations set forth in this article (326 IAC 8) conflict with military specifications, the owner or operator of a source may petition the commissioner to have military specifications be the controlling limitation. If the commissioner approves the petition, the modified limitation shall be submitted to the U.S. EPA as a SIP revision. (*Air Pollution Control Board; 326 IAC 8-1-7; filed Mar 10, 1988, 1:20 pm: 11 IR 2530*)

**326 IAC 8-1-8 Transfer efficiency determination (Repealed)**

Sec. 8. (*Repealed by Air Pollution Control Board; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1686*)

**326 IAC 8-1-9 General record keeping and reporting requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) For the purpose of records required under section 10(c), 11(c), or 12(c) of this rule, the applicable test methods and procedures specified in section 4 of this rule shall be used to determine the following:

- (1) The volatile organic compound (VOC) content of each coating, as applied.
- (2) The efficiency of each capture system and control device.

(b) Records required by this rule or records used to demonstrate that a source is exempt from the requirements of this article shall be submitted to the department or the U.S. EPA within thirty (30) days of the receipt of a written request.

(c) Coating sources subject to 326 IAC 8-5-5 shall comply with all applicable record keeping and reporting requirements. All records required by this rule or records necessary to determine compliance with 326 IAC 8-5-5 shall be accessible on-site for the most recent three (3) year period and shall be reasonably accessible for an additional two (2) year period. (*Air Pollution Control Board; 326 IAC 8-1-9; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2317*)

**326 IAC 8-1-10 Compliance certification, record keeping, and reporting requirements for certain coating facilities using compliant coatings**

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) This section applies to any coating source that:

- (1) uses compliant coatings to comply with volatile organic compounds (VOC) emission limits; and
- (2) meets any of the applicability criteria that follow:
  - (A) 326 IAC 8-5-5(a)(1);
  - (B) 326 IAC 8-5-5(a)(2); or
  - (C) 326 IAC 8-5-5(a)(3)(A).

(b) Upon startup of a new coating facility, or upon changing the method of compliance for an existing coating facility from daily-weighted averaging or control devices to the use of compliant coatings, the owner or operator of the coating source identified in subsection (a) shall certify to the department that the coating facility is in compliance with the requirements of this section. The certification shall include the following:

- (1) The name and location of the source.
- (2) The name, address, and telephone number of the person responsible for the source.
- (3) Identification of each VOC emitting coating facility and identification of the applicable emission limitation.

(4) The name and identification number of each coating, as applied, used at each coating facility.

(5) The mass of VOC (excluding water and exempt compounds) per volume of coating and the volume of each coating, as applied.

(c) By May 1, 1997, or upon startup of a new coating facility, or upon changing the method of compliance for an existing coating facility from daily-weighted averaging or control devices to the use of compliant coatings, the owner or operator of a coating facility identified in subsection (a) shall for each coating facility and for each coating used collect and record each day and maintain all of the following information:

(1) The name and identification number of each coating, as applied.

(2) The mass of VOC (excluding water and exempt compounds) per volume of coating for each coating, as applied, or the VOC content of each coating, as applied, expressed in units necessary to determine compliance.

(3) As new compliant coatings are added to a coating facility, the records required by this subsection shall be updated to include the new coating.

(4) If use of a coating is discontinued, the records required by this section shall be maintained consistent with section 9(c) of this rule.

(d) By May 1, 1997, the owner or operator of a coating facility identified in subsection (a) shall notify the department in either of the following instances:

(1) Any record showing use of any noncompliant coatings shall be reported by submitting a copy of the record to the department within thirty (30) days following use; such record shall also be submitted with the quarterly compliance report.

The following information shall accompany each submittal:

(A) Name and location of the coating facility.

(B) Time, date, and duration of the noncompliance.

(C) Corrective action taken.

(2) At least thirty (30) calendar days before changing the method of compliance from the use of compliant coatings to daily-weighted averaging or control devices, the owner or operator shall comply with all requirements of section 11(b) or 12(b) of this rule, respectively. Upon changing the method of compliance for a coating facility from the use of compliant coatings to daily-weighted averaging or control devices, the owner or operator shall comply with all requirements of section 11 or 12 of this rule, respectively.

*(Air Pollution Control Board; 326 IAC 8-1-10; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2318)*

**326 IAC 8-1-11 Compliance certification, record keeping, and reporting requirements for certain coating facilities using daily-weighted averaging**

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

Affected: IC 13-15; IC 13-17

Sec. 11. (a) This section applies to any owner or operator of a coating source that:

(1) uses daily-weighted averaging on the coating facility to comply with volatile organic compound (VOC) emission limits; and

(2) meets any of the applicability criteria that follow:

(A) 326 IAC 8-5-5(a)(1);

(B) 326 IAC 8-5-5(a)(2); or

(C) 326 IAC 8-5-5(a)(3)(A).

(b) Upon startup of a new coating facility, or upon changing the method of compliance for an existing coating facility from the use of compliant coatings or control devices to daily-weighted averaging, the owner or operator of a coating facility identified in subsection (a) shall certify to the department that the coating facility is in compliance with the requirements of this section. The certification shall include:

(1) The name and location of the source.

(2) The address and telephone number of the person responsible for the source.

(3) Identification of each coating facility and identification of the applicable emission limitation.

(4) The name and identification number of each coating facility that will comply by means of daily-weighted averaging.

(5) The VOC content of each coating, as applied, each day for each coating facility, expressed in units necessary to determine compliance.



- (6) The instrument or method by which the owner or operator will accurately measure or calculate the VOC content of each coating and the volume of each coating, as applied, used each day at each coating facility.
  - (7) The method by which the owner or operator will create and maintain records each day as required in subsection (c).
  - (8) Calculation of the daily-weighted average for a day representative of current or projected maximum production levels.
  - (9) The time at which the coating facility's day begins if a time other than midnight local time is used to define a day.
  - (c) On and after May 1, 1997, or upon initial startup of a new coating facility, or upon changing the method of compliance for an existing coating facility from the use of compliant coatings or control devices to daily-weighted averaging, the owner or operator of a coating facility identified in subsection (a) shall for each coating facility and for each coating used collect and record each day, and maintain all of the following information:
    - (1) The name and identification number of each coating, as applied.
    - (2) The mass of VOC per volume (excluding water and exempt compounds) and the volume of each coating (excluding water and exempt compounds), as applied, or the VOC content and the volume of each coating, as applied, expressed in units necessary to determine compliance.
    - (3) The daily-weighted average VOC content of all coatings, in each coating facility.
  - (d) On and after May 1, 1997, the owner or operator of a coating facility identified in subsection (a) shall notify the department in either of the following instances:
    - (1) Any record showing noncompliance with the applicable daily-weighted average requirements shall be reported by submitting a copy of the record to the department within thirty (30) days following noncompliance; such record shall also be submitted with the quarterly compliance report. The following information shall accompany each submittal:
      - (A) Name and location of the coating facility.
      - (B) Date and duration of the noncompliance.
      - (C) Corrective action taken.
    - (2) At least thirty (30) calendar days before changing the method of compliance from daily-weighted averaging to compliant coatings or control devices, the owner or operator shall comply with all requirements of section 10(b) or 12(b) of this rule, respectively. Upon changing the method of compliance from daily-weighted averaging to the use of compliant coatings or control devices, the owner or operator shall comply with all requirements of section 10 or 12 of this rule, respectively.
- (Air Pollution Control Board; 326 IAC 8-1-11; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2319)*

**326 IAC 8-1-12 Compliance certification, record keeping, and reporting requirements for certain coating facilities using control devices**

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

- Sec. 12. (a) This section applies to any owner or operator of a coating source that:
- (1) uses control devices to comply with volatile organic compounds (VOC) emission limits; and
  - (2) meets the applicability criteria that follow:
    - (A) 326 IAC 8-5-5(a)(1);
    - (B) 326 IAC 8-5-5(a)(2); or
    - (C) 326 IAC 8-5-5(a)(3)(A).
- (b) By May 1, 1997, or upon startup of a new coating facility, or upon changing the method of compliance for an existing coating facility, the owner or operator of the coating facility shall comply with the following requirements:
- (1) Control system operation, maintenance, and testing requirements shall be as follows:
    - (A) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based on the results of the initial or subsequent compliance test or upon the written request of the department.
    - (B) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for reference by plant personnel and department inspectors.
    - (C) The control system shall be tested according to the following schedule and in the following situations:
      - (i) An initial compliance test shall be conducted. Compliance tests shall be conducted no later than every thirty (30) months after the date of the initial test.
      - (ii) A compliance test shall be conducted whenever the owner or operator chooses to operate a control system

under conditions different from those that were in place at the time of the previous test.

(iii) A compliance test shall be performed within ninety (90) days of:

(AA) startup of a new coating facility;

(BB) changing the method of compliance for an existing coating facility from compliant coatings or daily-weighted averaging to control devices; or

(CC) receipt of a written request from the department or the U.S. EPA.

(D) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(i) Test procedures.

(ii) Operating and control system parameters.

(iii) Type of VOC containing process material being used.

(iv) The process and control system parameters that will be monitored during the test.

(2) Monitoring equipment requirements shall be as follows:

(A) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees Centigrade, or plus or minus five-tenths degree Centigrade ( $\pm 0.5^{\circ}\text{C}$ ), whichever is more accurate.

(B) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees Centigrade, or plus or minus five-tenths degree Centigrade ( $\pm 0.5^{\circ}\text{C}$ ), whichever is more accurate.

(C) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(D) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters that would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures, record keeping, and reporting requirements.

(c) On and after May 1, 1997, or on and after startup of a new coating facility, or upon changing the method of compliance for an existing coating facility from the use of compliant coatings or daily-weighted averaging to control devices, the owner or operator of a coating facility identified in subsection (a) shall collect and record each day and maintain all of the following information each day for each coating facility:

(1) The name and identification number of each coating used at each coating facility.

(2) The mass of VOC per unit volume of coating solids, as applied, the volume solids content, as applied, and the volume, as applied, of each coating expressed in units necessary to determine compliance, used each day at each coating facility.

(3) The maximum VOC content (mass of VOC per unit volume of coating solids, as applied) or the daily-weighted average VOC content (mass of VOC per unit volume of coating solids, as applied) of the coatings used each day on each coating facility.

(4) The required overall emission reduction efficiency for each day for each coating facility.

(5) The actual overall emission reduction efficiency achieved for each day for each coating facility as determined during the compliance test required by subsection (b)(1)(C).

(6) Control device monitoring data as follows:

(A) For thermal incinerators, the following:

(i) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(ii) Records of all three (3) hour periods of operation in which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit ( $50^{\circ}\text{F}$ ) (twenty-eight degrees Centigrade ( $28^{\circ}\text{C}$ )) below the average combustion temperature that existed during the most recent test that demonstrated that the coating facility was in compliance.

(B) For catalytic incinerators, the following:

(i) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(ii) Records of all three (3) hour periods of operation in which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) (twenty-eight degrees Centigrade (28°C)) below the average temperature of the process vent stream that existed during the most recent test that demonstrated that the coating facility was in compliance.

(iii) Records of all three (3) hour periods of operation in which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent test that demonstrated that the coating facility was in compliance.

(C) For carbon adsorbers, the following:

(i) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(ii) Records of all three (3) hour periods of operation during which either the average VOC concentration or the reading of organic compounds in the exhaust gases is more than twenty percent (20%) greater than the average exhaust gas concentration or reading measured by the organic compound monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the coating facility was in compliance.

(D) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by the department of subsection (b)(2)(D).

(7) A log of operating time for the capture system, control device, monitoring equipment, and the associated coating facility.

(8) A maintenance log for the capture system, control device, and monitoring equipment detailing all routine and nonroutine maintenance performed including dates and duration of any outages.

(d) On and after May 1, 1997, the owner or operator of a coating facility identified in subsection (a) shall notify the department in either of the following instances:

(1) Any record showing noncompliance with the applicable requirements for control devices shall be reported by submitting a copy of the record to the department within thirty (30) days following noncompliance; such record shall also be submitted with the quarterly compliance report. The following information shall accompany each submittal:

(A) Name and location of the coating facility.

(B) Identification of the control system where the noncompliance occurred and the coating facility it served.

(C) Time, date, and duration of the noncompliance.

(D) Corrective action taken.

(2) At least thirty (30) calendar days before changing the method of compliance from control devices to the use of compliant coatings or daily-weighted averaging, the owner or operator shall comply with all applicable requirements of section 10(b) or 11(b) of this rule, respectively. Upon changing the method of compliance from control devices to the use of compliant coatings or daily-weighted averaging, the owner or operator shall comply with all requirements of section 10 or 11 of this rule, respectively, applicable to the coating facility subject to 326 IAC 8-5-5.

*(Air Pollution Control Board; 326 IAC 8-1-12; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2319)*

**Rule 2. Surface Coating Emission Limitations**

**326 IAC 8-2-1 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-2; IC 13-7-7-5

Sec. 1. (a) This rule applies to the following:

(1) Facilities existing as of January 1, 1980, of the types described in sections 2 through 8 of this rule and section 11 of this rule, and facilities existing as of November 1, 1980, of the types described in sections 9 through 10 of this rule located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties; facilities of the types described in section 12 of this rule, located in Clark, Floyd, Lake, and Porter Counties; and facilities as described in section 13 [326 IAC 8-2-13 was repealed filed Apr 1, 1996, 10:00 a.m.: 19 IR 1757.] of this rule, located in Clark County; and which are located at sources which have potential emissions of ninety and seven-tenths (90.7) megagrams (one hundred (100) tons) or greater per year of VOC.

(2) Facilities, construction of which commences after January 1, 1980, of the types described in sections 2 through 8 of this rule and section 11 of this rule, and facilities, construction of which commences after November 1, 1980, of the types described in sections 9 through 10 of this rule located in any county and which have potential emissions of twenty-two and seven-tenths (22.7) megagrams (twenty-five (25) tons) or greater per year of VOC.

(3) Facilities existing as of July 1, 1990, of the types described in sections 2 through 13 [326 IAC 8-2-13 was repealed filed Apr 1, 1996, 10:00 a.m.: 19 IR 1757.] of this rule located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties and which have actual emissions of greater than fifteen (15) pounds of VOC per day before add-on controls.

(4) Facilities, construction of which commences after July 1, 1990, of the types described in sections 2 through 13 [326 IAC 8-2-13 was repealed filed Apr 1, 1996, 10:00 a.m.: 19 IR 1757.] of this rule located in any county and which have actual emissions of greater than fifteen (15) pounds of VOC per day before add-on controls.

(b) Facilities described in subsection (a)(3) shall attain compliance with this rule no later than July 1, 1991. (*Air Pollution Control Board; 326 IAC 8-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2533; errata filed Dec 29, 1988, 2:00 p.m.: 12 IR 1209; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1677; errata filed Jun 18, 1990, 3:42 p.m.: 13 IR 2003; filed Dec 5, 1990, 3:30 p.m.: 14 IR 619; filed May 6, 1991, 4:45 p.m.: 14 IR 1716; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-2 Automobile and light duty truck coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. (a) This section establishes emission limitations for automobile and light duty truck surface coating operations which include all passenger car or passenger car derivatives capable of seating twelve (12) or fewer passengers and any motor vehicle rated at 3,864 kilograms (eight thousand five hundred (8,500) pounds) gross weight or less which are designed primarily for the purpose of transportation or are derivatives of such vehicles.

(b) No owner or operator of an automotive or light duty truck assembly plant subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds from the application, flash-off, and curing of prime and topcoat coatings on automobile and light duty truck bodies, hoods, fenders, cargo boxes, doors and grill opening panels to exceed:

(1) 0.23 kilograms per liter of coating (1.9 pounds per gallon), excluding water, delivered to the applicator from prime application, flash-off area and oven operations.

(2) 0.34 kilograms per liter of coating (2.8 pounds per gallon) excluding water, delivered to the applicator from topcoat application, flash-off area and oven operations.

(3) 0.58 kilograms per liter of coating (4.8 pounds per gallon) excluding water, delivered to the applicator from final repair application, flash-off area and oven operations.

(*Air Pollution Control Board; 326 IAC 8-2-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2533; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-3 Can coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) This section establishes emission limitations for the coating applicator(s) and oven(s) of sheet, can or end coating lines involved in sheet basecoat (exterior and interior) and overvarnish; two-piece can exterior (basecoat and overvarnish); two- and three-piece can interior body spray; two-piece can exterior end (spray or roll coat); three-piece can side-seam spray and end sealing compound operations.

(b) No owner or operator of a can coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

(1) 0.49 kilograms per liter of coating (4.0 pounds per gallon) excluding water, delivered to the coating applicator from sheet basecoat (exterior and interior) and overvarnish. After December 31, 1985, this limitation shall be 0.34 kilograms per liter of coating (2.8 pounds per gallon) excluding water;

(2) 0.51 kilograms per liter of coating (4.2 pounds per gallon) excluding water, delivered to the coating applicator from two- and three-piece can interior body spray and two-piece can exterior end (spray or roll coat) operations;

(3) 0.66 kilograms per liter of coating (5.5 pounds per gallon) excluding water, delivered to the coating applicator from three-piece can side-seam spray operations;

(4) 0.66 kilograms per liter of coating (5.5 pounds per gallon) excluding water, delivered to the coating applicator from end sealing compound operations. After December 31, 1985, this limitation shall be 0.44 kilograms per liter of coating (3.7 pounds per gallon) excluding water; or

(5) 0.34 kilograms per liter of coating (2.8 pounds per gallon) excluding water, delivered to the coating applicator from two-piece can exterior (basecoat and overvarnish) operations.

*(Air Pollution Control Board; 326 IAC 8-2-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2533; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-2-4 Coil coating operations**

Authority: IC 13-1-1-4

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. (a) This section establishes emission limitations for the coating of any flat metal sheet or strips that comes in rolls or coils.

(b) No owner or operator of a coil coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.42 kilograms per liter of coating (3.5 pounds per gallon) excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. After December 31, 1985, this limitation shall be 0.31 kilograms per liter of coating (2.6 pounds per gallon) excluding water. *(Air Pollution Control Board; 326 IAC 8-2-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2534; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-2-5 Paper coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) This section establishes emission limitations for web coating or saturation processes of paper, plastic, metal foil, and pressure sensitive tapes and labels regardless of substrate. Excluded from this category are single pieces of equipment that meet the emission limitations contained in 326 IAC 8-5-5 which conduct packaging rotogravure printing, publication rotogravure printing, or flexographic printing operations in line with surface coating lines.

(b) No owner or operator of a coating line subject to this section may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of thirty-five hundredths (0.35) kilograms per liter of coating (two and nine-tenths (2.9) pounds per gallon) excluding water, delivered to the coating applicator from a paper, plastic, metal foil, or pressure sensitive tape/labels coating line. *(Air Pollution Control Board; 326 IAC 8-2-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2534; filed Sep 23, 1988, 11:59 a.m.: 12 IR 258; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1017; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-2-6 Metal furniture coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 6. (a) This section is applicable to surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece.

(b) No owner or operator of a metal furniture coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.36 kilograms per liter of coating (3.0 pounds per gallon) excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. (*Air Pollution Control Board; 326 IAC 8-2-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2534; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-7 Large appliance coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 7. (a) This section is applicable to the surface coating of doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

(b) No owner or operator of a large appliance coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon) excluding water, delivered to the coating applicator from prime, single or topcoat coating operations.

(c) The use of quick-drying lacquers for repair of scratches and nicks that occur during assembly are exempt from the above requirements (limited to one gallon in an eight (8) hour period). (*Air Pollution Control Board; 326 IAC 8-2-7; filed Mar 10, 1988, 1:20 pm: 11 IR 2534; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-8 Magnet wire coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 8. (a) This section establishes the emission limitations for the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

(b) No owner or operator of a magnet wire coating oven subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon) excluding water, delivered to the coating applicator from magnet wire coating operations. (*Air Pollution Control Board; 326 IAC 8-2-8; filed Mar 10, 1988, 1:20 pm: 11 IR 2534; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-9 Miscellaneous metal coating operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 9. (a) This section is applicable to the surface coating of the following:

- (1) Large and small farm machinery.
- (2) Small household appliances.
- (3) Office equipment.
- (4) Industrial machinery.
- (5) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of major groups #33, #34, #35, #36, #37, #38, and #39.

(b) This section is not applicable to the surface coating of the following metal parts and products or to the following types of coating except as indicated in subsection (c):

- (1) Any metal parts or products limited by other sections of this rule.
- (2) Exterior of airplanes.
- (3) Automobile refinishing.
- (4) Customized top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day.
- (5) Exterior of marine vessels.
- (6) Maintenance coatings of production equipment.

- (7) The application of adhesives or preparation of adhesives.
- (8) Lubricants used to prevent sticking of internally moving parts.
- (9) Chromium plated plastics.
- (10) The application of coatings to burial caskets (Standard Industrial Classification Code 3995) if the source is not located in or adjacent to a county designated as nonattainment for ozone.

(c) Commencing July 1, 1991, the operations described in subsection (b)(6) through (b)(9) shall comply with the requirements of this section.

(d) No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of the following:

- (1) Fifty-two hundredths (0.52) kilograms per liter (four and three-tenths (4.3) pounds per gallon) of coating, excluding water, delivered to a coating applicator that applies clear coatings. A clear coating is a coating that lacks color or opacity and is transparent and uses the undercoat as a reflectant base or undertone color.
- (2) Forty-two hundredths (0.42) kilograms per liter (three and five-tenths (3.5) pounds per gallon) of coating excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to ninety degrees Celsius (90°C) (one hundred ninety-four degrees Fahrenheit (194°F)).
- (3) Forty-two hundredths (0.42) kilograms per liter (three and five-tenths (3.5) pounds per gallon) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings. Extreme performance coatings are coatings designed for exposure to temperatures consistently above ninety-five degrees Celsius (95°C), detergents, abrasive or scouring agents, solvents, corrosive atmospheres, outdoor weather at all times, or similar environmental conditions.
- (4) Thirty-six hundredths (0.36) kilograms per liter (three (3) pounds per gallon) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems.

(e) If more than one (1) emission limitation in subsection (d) applies to a specific coating, then the least stringent emission limitation shall be applied.

(f) Solvent sprayed from application equipment during cleanup or color changes shall be directed into containers. Such containers shall be closed as soon as such solvent spraying is complete, and the waste solvent shall be disposed of in such a manner that evaporation is minimized. (*Air Pollution Control Board; 326 IAC 8-2-9; filed Feb 9, 1988, 2:07 p.m.: 11 IR 1736; filed Mar 10, 1988, 1:20 pm: 11 IR 2534; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1678; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-2-10 Flat wood panels; manufacturing operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7

Sec. 10. (a) This section establishes the emission limitations for flat wood manufacturing and surface finishing of the following:

- (1) Printed interior panels made of hardwood plywood and thin particle board. "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed. "Hardwood particleboard" is a manufactured board one-fourth (1/4) inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.
- (2) Natural finish hardwood plywood panels. "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
- (3) Hardboard paneling with Class II finishes. "Hardboard" is a panel manufactured primarily from inter-felted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press. "Class II finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(b) This section does not apply to coating lines used solely in the manufacture of exterior siding, tileboard, or particleboard used as a furniture component. "Tileboard" means paneling that has a colored waterproof surface coating.

(c) If a coating line is used both for coating paneling subject to this section as described in subsection (a), of this section and for paneling exempt from this section as described in subsection (b), of this section, then any control equipment installed on such line shall be operated at all times when such line is in use.

(d) No owner or operator of a flatwood manufacturing facility subject to this section shall emit volatile organic compounds from a coating line in excess of:

- (1) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 sq ft) from printed interior panels, regardless of the

number of coats applied;

(2) 5.8 kg per 100 square meters of coated finished product (12.0 lb/1,000 sq ft) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(3) 4.8 kg per 100 square meters of coated finished product (10.0 lb/1,000 sq ft) from Class II finishes on hardboard panels, regardless of the number of coats applied.

*(Air Pollution Control Board; 326 IAC 8-2-10; filed Mar 10, 1988, 1:20 pm: 11 IR 2535; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-2-11 Fabric and vinyl coating**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 11. (a) This section establishes emission limitations for fabric coating and vinyl coating. "Fabric coating" means the coating or saturation of a textile substrate with a knife, roll, or rotogravure coater to impart properties that are not initially present, such as strength, stability, water repellancy, or appearance. "Vinyl coating" means applying a functional, decorative, or protective topcoat or printing on vinyl coated fabric or vinyl sheets. Organisol and plastisol cannot be used to bubble emissions from vinyl printing and topcoating.

(b) The owner or operator of a coating line subject to this section must implement one (1) of the following means of reducing volatile organic compounds emissions:

(1) Limit the VOC content of coating to:

(A) 0.35 kilograms of VOC per liter of coating (2.9 pounds per gallon) excluding water, delivered to the coating applicator from a fabric coating line; or

(B) 0.58 kilograms of VOC per liter of coating (4.8 pounds per gallon) excluding water, delivered to the coating applicator from a vinyl coating line.

(2) Install add on capture and control devices with an overall control efficiency of not less than 67.5 percent which shall meet:

(A) capture efficiency of at least seventy-five percent (75%); and

(B) control efficiency from the control device(s) of at least ninety percent (90%). In the case of incineration, the system shall have a destruction efficiency of ninety percent (90%) which will reduce VOC to carbon dioxide and water.

*(Air Pollution Control Board; 326 IAC 8-2-11; filed Sep 23, 1988, 11:59 a.m.: 12 IR 258; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-2-12 Wood furniture and cabinet coating**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 12. (a) This section applies to surface coated wood furnishings which include cabinets (kitchen, bath and vanity), tables, beds, chairs, sofas (non-upholstered), art objects, and any other coated furnishings made of solid wood, wood composition or simulated wood material.

(b) An owner or operator of a wood furniture or cabinet coating operation subject to this section shall apply all coating material, with the exception of no more than ten (10) gallons of coating per day used for touch-up and repair operations, using one (1) or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc application system, heated airless spray application system, roller coat, brush or wipe application system or dip-and-drain application system.

(c) Compliance with the provisions of this section shall be achieved on or before December 31, 1987. An owner or operator may submit a petition to the commissioner prior to December 31, 1987 to establish an extended schedule for compliance with this section. The petition shall include both a demonstration that compliance cannot be achieved by December 31, 1987 and milestone dates for purchases or construction necessary to achieve compliance. The petition, if approved by the commissioner, shall be submitted to the U.S. EPA as a SIP revision. Final compliance shall in no case extend beyond December 31, 1988. *(Air Pollution Control Board; 326 IAC 8-2-12; filed Mar 10, 1988, 1:20 pm: 11 IR 2536; errata filed Jan 11, 1989, 10:00 p.m.: 12 IR 1394; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*



**326 IAC 8-2-13 Marine vessel surface coating (Repealed)**

Sec. 13. *(Repealed by Air Pollution Control Board; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1757)*

**Rule 3. Organic Solvent Degreasing Operations**

**326 IAC 8-3-1 Applicability**

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

Affected: IC 13-17-3

Sec. 1. (a) Sections 2 through 4 of this rule apply to the following:

(1) Existing facilities as of January 1, 1980, performing organic solvent degreasing operations located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties and which are located at sources which have potential emissions of ninety and seven-tenths (90.7) megagrams (one hundred (100) tons) or greater per year of VOC.

(2) New facilities after January 1, 1980, performing organic solvent degreasing operations located anywhere in the state.

(b) Sections 5 through 7 of this rule apply to the following:

(1) The following facilities performing organic solvent degreasing operations located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties existing as of July 1, 1990:

(A) Cold cleaner degreasers without remote solvent reservoirs.

(B) Open top vapor degreasers with an air to solvent interface of one (1) square meter (ten and eight-tenths (10.8) square feet) or greater.

(C) ConveyORIZED degreasers with an air to solvent interface of two (2) square meters (twenty-one and six-tenths (21.6) square feet) or greater.

These facilities shall attain compliance with this rule no later than July 1, 1991.

(2) Any new facility, construction of which commences after July 1, 1990, of the types described in subdivision (1) located in any county.

(c) Section 8 of this rule applies to any person who sells, offers for sale, uses, or manufactures solvent for use in cold cleaning degreasers in the following counties:

(1) Clark.

(2) Floyd.

(3) Lake.

(4) Porter.

*(Air Pollution Control Board; 326 IAC 8-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2537; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1679; filed Apr 27, 1999, 9:06 a.m.: 22 IR 2854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-2 Cold cleaner operation**

Authority: IC 13-1-1-4

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. The owner or operator of a cold cleaning facility shall:

(1) equip the cleaner with a cover;

(2) equip the cleaner with a facility for draining cleaned parts;

(3) close the degreaser cover whenever parts are not being handled in the cleaner;

(4) drain cleaned parts for at least fifteen (15) seconds or until dripping ceases;

(5) provide a permanent, conspicuous label summarizing the operating requirements;

(6) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, in such a manner that greater than twenty percent (20%) of the waste solvent (by weight) can evaporate into the atmosphere.

*(Air Pollution Control Board; 326 IAC 8-3-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2537; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-3 Open top vapor degreaser operation**

Authority: IC 13-1-1-4

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. The owner or operator of an open top vapor degreaser shall:

- (1) equip the vapor degreaser with a cover that can be opened and closed easily without disturbing the vapor zone;
- (2) keep the cover closed at all times except when processing work loads through the degreaser;
- (3) minimize solvent carryout by:
  - (A) racking parts to allow complete drainage;
  - (B) moving parts in and out of the degreaser at less than 3.3 meters per minute (eleven (11) feet per minute);
  - (C) degreasing the workload in the vapor zone at least thirty (30) seconds or until condensation ceases;
  - (D) tipping out any pools of solvent on the cleaned parts before removal; and
  - (E) allowing parts to dry within the degreaser for at least fifteen (15) seconds or until visually dry;
- (4) not degrease porous or absorbent materials, such as cloth, leather, wood or rope;
- (5) not occupy more than half of the degreaser's open top area with the workload;
- (6) not load the degreaser such that the vapor level drops more than fifty percent (50%) of the vapor depth when the workload is removed;
- (7) never spray above the vapor level;
- (8) repair solvent leaks immediately, or shut down the degreaser;
- (9) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, such that greater than twenty percent (20%) of the waste solvent (by weight) can evaporate into the atmosphere;
- (10) not use workplace fans near the degreaser opening;
- (11) not allow visually detectable water in the solvent exiting the water separator; and
- (12) provide a permanent, conspicuous label summarizing the operating requirements.

*(Air Pollution Control Board; 326 IAC 8-3-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2537; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-4 ConveyORIZED degreaser operation**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. The owner or operator of a conveyORIZED degreaser shall:

- (1) minimize carryout emissions by:
  - (A) racking parts for best drainage;
  - (B) maintaining the vertical conveyor speed at less than 3.3 meters per minute (eleven (11) feet per minute);
- (2) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, in such a manner that greater than twenty percent (20%) of the waste solvent (by weight) can evaporate into the atmosphere;
- (3) repair solvent leaks immediately, or shut down the degreaser;
- (4) not use workplace fans near the degreaser opening;
- (5) not allow water in solvent exiting the water separator; and
- (6) provide a permanent, conspicuous label summarizing the operating requirements.

*(Air Pollution Control Board; 326 IAC 8-3-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2537; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-5 Cold cleaner degreaser operation and control**

Authority: IC 13-1-1-4

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) The owner or operator of a cold cleaner degreaser facility shall ensure that the following control equipment requirements are met:

- (1) Equip the degreaser with a cover. The cover must be designed so that it can be easily operated with one (1) hand if:

- (A) the solvent volatility is greater than two (2) kiloPascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pounds per square inch) measured at thirty-eight degrees Celsius (38°C) (one hundred degrees Fahrenheit (100°F));
- (B) the solvent is agitated; or
- (C) the solvent is heated.

(2) Equip the degreaser with a facility for draining cleaned articles. If the solvent volatility is greater than four and three-tenths (4.3) kiloPascals (thirty-two (32) millimeters of mercury or six-tenths (0.6) pounds per square inch) measured at thirty-eight degrees Celsius (38°C) (one hundred degrees Fahrenheit (100°F)), then the drainage facility must be internal such that articles are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Provide a permanent, conspicuous label which lists the operating requirements outlined in subsection (b).

(4) The solvent spray, if used, must be a solid, fluid stream and shall be applied at a pressure which does not cause excessive splashing.

(5) Equip the degreaser with one (1) of the following control devices if the solvent volatility is greater than four and three-tenths (4.3) kiloPascals (thirty-two (32) millimeters of mercury or six-tenths (0.6) pounds per square inch) measured at thirty-eight degrees Celsius (38°C) (one hundred degrees Fahrenheit (100°F)), or if the solvent is heated to a temperature greater than forty-eight and nine-tenths degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)):

- (A) A freeboard that attains a freeboard ratio of seventy-five hundredths (0.75) or greater.
- (B) A water cover when solvent used is insoluble in, and heavier than, water.
- (C) Other systems of demonstrated equivalent control such as a refrigerated chiller or carbon adsorption. Such systems shall be submitted to the U.S. EPA as a SIP revision.

(b) The owner or operator of a cold cleaning facility shall ensure that the following operating requirements are met:

(1) Close the cover whenever articles are not being handled in the degreaser.

(2) Drain cleaned articles for at least fifteen (15) seconds or until dripping ceases.

(3) Store waste solvent only in covered containers and prohibit the disposal or transfer of waste solvent in any manner in which greater than twenty percent (20%) of the waste solvent by weight could evaporate.

*(Air Pollution Control Board; 326 IAC 8-3-5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1679; filed May 6, 1991, 4:45 p.m.: 14 IR 1717; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-6 Open top vapor degreaser operation and control requirements**

Authority: IC 13-1-1-4

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 6. (a) The owner or operator of an open top vapor degreaser shall ensure that the following control equipment requirements are met:

(1) Equip the degreaser with a cover that can be opened and closed easily without disturbing the vapor zone.

(2) Equip the degreaser with the following switches:

- (A) A condenser flow switch and thermostat which shuts off sump heat if condenser coolant stops circulating or becomes too warm.
- (B) A spray safety switch which shuts off spray pump if the vapor level drops more than ten (10) centimeters (four (4) inches).

(3) Equip the degreaser with a permanent, conspicuous label which lists the operating requirements outlined in subsection (b).

(4) Equip the degreaser with one (1) of the following control devices:

- (A) A freeboard ratio of seventy-five hundredths (0.75) or greater and a powered cover if the degreaser opening is greater than one (1) square meter (ten and eight-tenths (10.8) square feet).
- (B) A refrigerated chiller.
- (C) An enclosed design in which the cover opens only when the article is actually entering or exiting the degreaser.
- (D) A carbon adsorption system with ventilation which, with the cover open, achieves a ventilation rate of greater than or equal to fifteen (15) cubic meters per minute per square meter (fifty (50) cubic feet per minute per square foot) of air to vapor interface area and an average of less than twenty-five (25) parts per million of solvent is exhausted over one (1) complete adsorption cycle.

(E) Other systems of demonstrated equivalent or better control as those outlined in clauses (A) through (D). Such systems shall be submitted to the U.S. EPA as a SIP revision.

- (b) The owner or operator of an open top vapor degreaser shall ensure that the following operating requirements are met:
- (1) Keep the cover closed at all times except when processing workloads through the degreaser.
  - (2) Minimize solvent carryout emissions by:
    - (A) racking articles to allow complete drainage;
    - (B) moving articles in and out of the degreaser at less than three and three-tenths (3.3) meters per minute (eleven (11) feet per minute);
    - (C) degreasing the workload in the vapor zone at least thirty (30) seconds or until condensation ceases;
    - (D) tipping out any pools of solvent on the cleaned articles before removal; and
    - (E) allowing articles to dry within the degreaser for at least fifteen (15) seconds or until visually dry.
  - (3) Prohibit the entrance into the degreaser of porous or absorbent materials such as, but not limited to, cloth, leather, wood, or rope.
  - (4) Prohibit occupation of more than one-half (1/2) of the degreaser's open top area with the workload.
  - (5) Prohibit the loading of the degreaser to the point where the vapor level would drop more than ten (10) centimeters (four (4) inches) when the workload is removed.
  - (6) Prohibit solvent spraying above the vapor level.
  - (7) Repair solvent leaks immediately or shut down the degreaser if leaks cannot be repaired immediately.
  - (8) Store waste solvent only in covered containers and prohibit the disposal or transfer of waste solvent in any manner in which greater than twenty percent (20%) of the waste solvent by weight could evaporate.
  - (9) Prohibit the exhaust ventilation rate from exceeding twenty (20) cubic meters per minute per square meter (sixty-five (65) cubic feet per minute per square foot) of degreaser open area unless a greater ventilation rate is necessary to meet Occupational Safety and Health Administration requirements.
  - (10) Prohibit the use of workplace fans near the degreaser opening.
  - (11) Prohibit visually detectable water in the solvent exiting the water separator.

*(Air Pollution Control Board; 326 IAC 8-3-6; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1680; filed May 6, 1991, 4:45 p.m.: 14 IR 1717; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-7 ConveyORIZED degreaser operation and control**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 7. (a) The owner or operator of a conveyORIZED degreaser shall ensure that the following control equipment requirements are met:

- (1) Equip the degreaser's entrances and exits with downtime covers which are closed when the degreaser is not operating.
- (2) Equip the degreaser with the following switches:
  - (A) A condenser flow switch and thermostat which shuts off sump heat if condenser coolant stops circulating or becomes too warm.
  - (B) A spray safety switch which shuts off spray pump if the vapor level drops more than ten (10) centimeters (four (4) inches).
  - (C) A vapor level control thermostat which shuts off sump heat when vapor level rises more than ten (10) centimeters (four (4) inches).
- (3) Equip the degreaser with entrances and exits which silhouette workloads in such a manner that the average clearance between the articles and the degreaser opening is either less than ten (10) centimeters (four (4) inches) or less than ten percent (10%) of the width of the opening.
- (4) Equip the degreaser with a drying tunnel, rotating or tumbling basket, or other equipment which prevents cleaned articles from carrying out solvent liquid or vapor.
- (5) Equip the degreaser with a permanent, conspicuous label which lists the operating requirements outlined in subsection (b).
- (6) Equip the degreaser with one (1) of the following control devices:
  - (A) A refrigerated chiller.

(B) A carbon adsorption system with ventilation which, with the downtime covers open, achieves a ventilation rate of greater than or equal to fifteen (15) cubic meters per minute per square meter (fifty (50) cubic feet per minute per square foot) of air to solvent interface area, and an average of less than twenty-five (25) parts per million of solvent is exhausted over one (1) complete adsorption cycle.

(C) Other systems of demonstrated equivalent or better control as those outlined in clause (A) or (B). Such systems shall be submitted to the U.S. EPA as a SIP revision.

- (b) The owner or operator of a conveyORIZED degreaser shall ensure that the following operating requirements are met:
- (1) Minimize solvent carryout emissions by the following:
    - (A) Racking articles to allow complete drainage.
    - (B) Maintaining the vertical conveyor speed at less than three and three-tenths (3.3) meters per minute (eleven (11) feet per minute).
  - (2) Store waste solvent only in covered containers and prohibit the disposal or transfer of waste solvent in any manner in which greater than twenty percent (20%) of the waste solvent by weight could evaporate.
  - (3) Repair solvent leaks immediately or shut down the degreaser if leaks cannot be repaired immediately.
  - (4) Prohibit the exhaust ventilation rate from exceeding twenty (20) cubic meters per minute per square meter (sixty-five (65) cubic feet per minute per square foot) of degreaser opening unless a greater ventilation rate is necessary to meet Occupational Safety and Health Administration requirements.
  - (5) Prohibit the use of workplace fans near the degreaser opening.
  - (6) Prohibit visually detectable water in the solvent exiting the water separator.
  - (7) Cover entrances and exits at all times except when processing workloads through the degreaser.

*(Air Pollution Control Board; 326 IAC 8-3-7; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1681; filed May 6, 1991, 4:45 p.m.: 14 IR 1718; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-3-8 Material requirements for cold cleaning degreasers**

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

Affected: IC 13-17-3

Sec. 8. (a) This section applies to the users, providers, and manufacturers of solvents for use in cold cleaning degreasers in Clark, Floyd, Lake, and Porter Counties, except for solvents intended to be used to clean electronic components.

(b) As used in this section, "electronic components" means all components of an electronic assembly, including, but not limited to, the following:

- (1) Circuit board assemblies.
- (2) Printed wire assemblies.
- (3) Printed circuit boards.
- (4) Soldered joints.
- (5) Ground wires.
- (6) Bus bars.
- (7) Any other associated electronic component manufacturing equipment.

(c) Material requirements are phased in as follows:

- (1) On and after November 1, 1999, no person shall do the following:
  - (A) Cause or allow the sale of solvents for use in cold cleaning degreasing operations with a vapor pressure that exceeds two (2) millimeters of mercury (thirty-eight thousandths (0.038) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive days to an individual or business.
  - (B) Operate a cold cleaning degreaser with a solvent vapor pressure that exceeds two (2) millimeters of mercury (thirty-eight thousandths (0.038) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).
- (2) On and after May 1, 2001, no person shall do the following:
  - (A) Cause or allow the sale of solvents for use in cold cleaning degreasing operations with a vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive

days to an individual or business.

(B) Operate a cold cleaning degreaser with a solvent vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(d) On and after November 1, 1999, the following record keeping requirements shall be followed:

(1) All persons subject to the requirements of subsection (c)(1)(A) and (c)(2)(A) shall maintain all of the following records for each sale:

(A) The name and address of the solvent purchaser.

(B) The date of sale.

(C) The type of solvent.

(D) The volume of each unit of solvent sold.

(E) The total volume of the solvent.

(F) The true vapor pressure of the solvent measured in millimeters of mercury at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(2) All persons subject to the requirements of subsection (c)(1)(B) and (c)(2)(B) shall maintain each of the following records for each purchase:

(A) The name and address of the solvent supplier.

(B) The date of purchase.

(C) The type of solvent.

(D) The volume of each unit of solvent.

(E) The total volume of the solvent.

(F) The true vapor pressure of the solvent measured in millimeters of mercury at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(e) All records required by subsection (d) shall be retained on-site for the most recent three (3) year period and shall be reasonably accessible for an additional two (2) year period. (*Air Pollution Control Board; 326 IAC 8-3-8; filed Apr 27, 1999, 9:06 a.m.: 22 IR 2854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 4. Petroleum Sources**

##### **326 IAC 8-4-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) All sections of this rule apply to sources of the types described in this rule located in Clark, Elkhart, Floyd, Hendricks, Lake, Marion, Porter, and St. Joseph Counties.

(b) Sections 4 through 7 and 9 of this rule apply to sources of the types described in this rule located in Boone, Dearborn, Hamilton, Hancock, Harrison, Johnson, Morgan, and Shelby Counties.

(c) On and after May 1, 1999, section 6(a) through 6(c) and 6(h) of this rule applies to sources of the type described in section 6 of this rule, located in Vanderburgh County.

(d) Sections 2 through 5 and 7 through 9 of this rule apply to all new sources of the types described in this rule as of January 1, 1980.

(e) Section 6 of this rule applies to any gasoline storage tank installed after July 1, 1989, at a gasoline dispensing facility unless such facility is excluded under subsection (f).

(f) Section 6 of this rule shall not apply to gasoline dispensing facilities which have monthly gasoline throughputs of less than ten thousand (10,000) gallons per month and:

(1) were in existence prior to July 1, 1989; or

(2) are located at farms or private residences.

(*Air Pollution Control Board; 326 IAC 8-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2538; filed Aug 11, 1989, 1:40 p.m.: 13 IR 7; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2855; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-2 Petroleum refineries**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. This section will apply to vacuum producing systems, wastewater separators, and process unit turnarounds at petroleum refining sources.

(1) Vacuum Systems: No owner or operator of any vacuum producing systems at a petroleum refinery may cause, allow or permit the emission of any noncondensable volatile organic compounds from the condensers, hot wells or accumulators of the system. Lube oil units are exempt from this requirement.

(2) Wastewater Separators: The owner or operator of any wastewater (oil/water) separators at a petroleum refinery shall equip all separators, forebay, and openings in covers with lids or seals such that the lids or seals are in the closed position at all times except when in actual use.

(3) Process Turnaround: The owner or operator of a petroleum refinery shall notify the commissioner thirty (30) days prior to a process unit turnaround. In addition, the owner or operator shall minimize volatile organic compound emissions during turnaround, by providing for:

(A) depressurization venting of the process unit or vessel to a vapor recovery system, flare or firebox; and

(B) no emission of volatile organic compounds from a process unit or vessel until its internal pressure is 136 kPa (19.7 psi) or less.

*(Air Pollution Control Board; 326 IAC 8-4-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2538; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-4-3 Petroleum liquid storage facilities**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) This section will apply to all petroleum liquid storage vessels with capacities greater than one hundred fifty thousand (150,000) liters (thirty-nine thousand (39,000) gallons) containing volatile organic compounds whose true vapor pressure is greater than 10.5 kPa (1.52 psi).

(b) External Fixed Roof Tanks.

(1) No owner or operator of an affected fixed roof tanks shall permit the use of such facility unless:

(A) The facility has been retrofitted with an internal floating roof equipped with a closure seal, or seals, to close the space between the roof edge and tank wall unless the source has been retrofitted with equally effective alternative control which has been approved.

(B) The facility is maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials.

(C) All openings, except stub drains, are equipped with covers, lids, or seals such that:

(i) the cover, lid, or seal is in the closed position at all times except when in actual use;

(ii) automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(iii) rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

(c) External Floating Roof Tanks.

(1) This subsection applies to applicable open top tanks with a cover consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

This subsection does not apply to vessels which:

(A) are used to store a crude oil with a pour point of 50° F. or higher as determined by the ASTM Standard D97-66 (reapproved 1978) "Pour Point of Petroleum Oils" ASTM Part 15, 1981 ASTM, 1916 Race Street, Philadelphia, PA 19103 Library of Congress Cat. Card #40-10712;

(B) have capacities less than one million six hundred thousand (1,600,000) liters (four hundred twenty thousand (420,000) gal) and are used to store produced crude oil and condensate prior to lease custody transfer. "Condensate"

means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions. "Lease custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation;

- (C) contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psi); and
    - (i) are of welded construction; and
    - (ii) presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled-type seal, or other closure device of demonstrated equivalence approved by the commissioner; or
  - (D) are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).
- (2) No owner of a facility subject to this subsection shall store a petroleum liquid in that facility unless:
- (A) The facility has been fitted with:
    - (i) a continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or
    - (ii) a closure or other device approved by the commissioner which is equally effective.
  - (B) All seal closure devices meet the following requirements:
    - (i) there are no visible holes, tears, or other openings in the seal(s) or seal fabric;
    - (ii) the seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.
    - (iii) for vapor mounted primary seals, the accumulated gap area around the circumference of the secondary seal where a gap exceeding one-eighth ( $\frac{1}{8}$ ) inch exists between the secondary seal and the tank wall shall not exceed 1.0 square inch per foot of tank diameter. There shall be no gaps exceeding one-half ( $\frac{1}{2}$ ) inch between the secondary seal and the tank wall of welded tanks and no gaps exceeding one (1) inch between the secondary seal and the tank wall of riveted tanks.
  - (C) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:
    - (i) equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and
    - (ii) equipped with projections into the tank which remain below the liquid surface at all times.
  - (D) automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;
  - (E) rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and
  - (F) emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent (90%) of the area of the opening.

(d) Record Keeping and Reporting. Owners or operators of petroleum liquid storage vessels shall maintain records of the types of volatile petroleum liquid stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed on the storage vessels. Such records shall be maintained for a period of two (2) years and shall be made available to the commissioner upon written request. (*Air Pollution Control Board; 326 IAC 8-4-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2538; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-4 Bulk gasoline terminals**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. (a) No owner or operator of a bulk gasoline terminal shall permit the loading of gasoline into any transport, excluding railroad tank cars, or barges, unless:

- (1) The bulk gasoline terminal is equipped with a vapor control system, in good working order, in operation and consisting of one of the following:
  - (A) An adsorber or condensation system which processes and recovers vapors and gases from the equipment being controlled, releasing no more than 80 mg/l of VOC to the atmosphere.
  - (B) A vapor collection system which directs all vapors to a fuel gas system or incinerator.
  - (C) An approved control system, demonstrated to have control efficiency equivalent to or greater than clause (A) above.
- (2) Displaced vapors and gases are vented only to the vapor control system.



(3) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(4) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which will be closed upon disconnection.

(b) If employees of the owner of the bulk gasoline terminal are not present during loading, it shall be the responsibility of the owner of the transport to make certain the vapor control system is attached to the transport. The owner of the terminal shall take all reasonable steps to insure that owners of transports loading at the terminal during unsupervised times comply with this section. (*Air Pollution Control Board; 326 IAC 8-4-4; filed Mar 10, 1988, 1:20 pm.: 11 IR 2539; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-5 Bulk gasoline plants**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) No owner or operator of a bulk gasoline plant shall allow the transfer of gasoline between any transport and any bulk plant storage tank unless such tank is equipped with:

(1) a vapor balance system connected between the gasoline transport and the gasoline storage tank, operating according to manufacturer's specifications; and

(2) a submerged fill pipe which has its discharge opening entirely submerged when the liquid level is either:

(A) six (6) inches above the bottom of the tank; or

(B) eighteen (18) inches or twice the diameter of the fill pipe, whichever is greater, above the bottom of a tank loaded from the side.

(b) If neither the owner nor the employees of the owner of a bulk gasoline plant are present during loading, it shall be the responsibility of the owner or operator of the transport to make certain that the vapor balance system is connected between the transport and the storage tank, and is operating according to manufacturer's specifications. (*Air Pollution Control Board; 326 IAC 8-4-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 8; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-6 Gasoline dispensing facilities**

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

Affected: IC 13-12-3-1

Sec. 6. (a) The following definitions apply throughout this section:

(1) "Average monthly volume" means the amount of motor fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for a two (2) year period from November 1990 through October 1992, or, if not available, the monthly average for the most recent twelve (12) calendar months. Monthly averages shall include only those months when the facility was operating.

(2) "CARB" means the California Air Resources Board.

(3) "Certified" means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least ninety-five percent (95%) by weight.

(4) "Constructed" means fabricated, erected, or installed and refers to any facility, emission source, or air pollution control equipment.

(5) "Dynamic backpressure test" means a test procedure used to determine the pressure drop (flow resistance) through vapor collection and control systems, including nozzles, vapor hoses, swivels, dispenser piping, and underground piping, at prescribed flow rates. Test procedures for this test can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.

(6) "Employee" means any person who performs work for an employer for compensation.

(7) "Facility" means any building, structure, installation, operation, or combination located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.

(8) "Gasoline dispensing facility" means any facility where gasoline is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of two thousand one hundred seventy-six (2,176) liters (five hundred seventy-

five (575) gallons) or more. Diesel fuel and kerosene are not considered to be motor vehicle fuels.

(9) "Independent small business marketer of gasoline" means a person engaged in the marketing of gasoline who:

(A) is not a refiner;

(B) does not control, is not controlled by, or is not under common control with a refiner;

(C) is not otherwise directly or indirectly affiliated with a refiner or a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to in this subdivision is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); and

(D) receives less than fifty percent (50%) annual income from the marketing of gasoline.

(10) "Liquid blockage test" means a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.

(11) "Modification" means any change, removal, or addition, other than a certified replacement of any component contained within the vapor collection system and control system.

(12) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine, including, but not limited to, the following:

(A) Automobiles.

(B) Trucks.

(C) Motorcycles.

(13) "Motor vehicle fuel" means any petroleum distillate having a Reid vapor pressure of more than four (4) pounds per square inch and which is used to power motor vehicles. Diesel fuel and kerosene are not considered to be motor vehicle fuels.

(14) "Owner or operator" means any person who owns, leases, operates, manages, supervises, or controls, directly or indirectly, a gasoline dispensing facility.

(15) "Pressure decay or leak test" means a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.

(16) "Vapor collection and control systems" means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapor displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

(b) No owner or operator of a gasoline dispensing facility shall allow the transfer of gasoline between any transport and any storage tank unless such tank is equipped with the following:

(1) A submerged fill pipe.

(2) Either a pressure relief valve set to release at no less than seven-tenths (0.7) pounds per square inch or an orifice of five-tenths (0.5) inch in diameter.

(3) A vapor balance system connected between the tank and the transport, operating according to manufacturer's specifications.

(c) If the owner or employees of the owner of a gasoline dispensing facility are not present during loading, it shall be the responsibility of the owner or the operator of the transport to make certain the vapor balance system is connected between the transport and the storage tank and is operating according to manufacturer's specifications.

(d) The provisions of subsection (e) shall apply to any gasoline dispensing facility located in Clark, Floyd, Lake, or Porter County except if the gasoline dispensing facility:

(1) dispenses an average monthly volume of less than ten thousand (10,000) gallons of gasoline per month; or

(2) is an independent small business marketer of gasoline who dispenses an average monthly volume of less than fifty thousand (50,000) gallons of gasoline per month.

(e) No owner or operator of a gasoline dispensing facility shall cause or allow the dispensing of motor vehicle fuel at any time unless all motor vehicle fuel dispensing operations are equipped with and utilize a certified vapor collection and control system which is properly installed and operated as follows:

(1) No vapor collection and control system shall be installed, used, or maintained unless the system has been certified by CARB and meets the testing requirements specified in subsection (k)(6).

(2) Any vapor collection and control system utilized shall be maintained in accordance to its certified configuration and with the manufacturer's specification and maintenance schedule.

(3) No elements or components of a vapor collection and control system shall be modified, removed, replaced, or otherwise

rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.

(4) A vapor collection and control system shall not be operated with defective, malfunctioning, missing, or noncertified components. The following requirements apply to a vapor collection and control system:

(A) All parts of the system which can be visually inspected must be checked daily by the operator of the facility for the following malfunctions:

(i) Absence or disconnection of any component required to be used to certify the system.

(ii) A vapor hose which is crimped or flattened such that the vapor passage is blocked or severely restricted.

(iii) A nozzle boot which is torn in either of the following manners:

(AA) A triangular shaped or similar tear one-half (1/2) inch or more to a side or a hole one-half (1/2) inch or more in diameter or length.

(BB) Slit one (1) inch or more in length.

(iv) A faceplate or flexible cone which is damaged in the following manner:

(AA) For balance nozzles and nozzles for aspirator and educator assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for one-fourth (1/4) of the circumference of the faceplate (accumulated).

(BB) For nozzles for vacuum assist type systems that use a flexible cone, having more than one-fourth (1/4) of the flexible cone missing.

(v) A nozzle shutoff mechanism which malfunctions in any manner.

(vi) A vacuum producing device which is inoperative.

(B) Any defect in the system which is discovered in clause (A) will require the immediate shutdown of the affected pumps until proper repairs are made.

(C) A signed daily log of the daily inspection in clause (A) shall be maintained at the facility.

(D) One (1) operator or employee of the gasoline dispensing facility shall be trained and instructed annually in the proper operation and maintenance of a vapor collection and control system.

(E) Instructions shall be posted in a conspicuous and visible place within the motor vehicle fuel dispensing area for the system in use at that station. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles utilized at that station. The instructions shall also include a warning that repeated attempts to continue dispensing motor vehicle fuel after the system has indicated that the vehicle fuel tank is full, may result in a spillage of fuel.

(f) Facilities subject to the requirements of subsection (e) shall demonstrate compliance according to the following schedule:

(1) Six (6) months after promulgation in the case of gasoline dispensing facilities for which construction commenced after the date of enactment of the Clean Air Act Amendments of 1990 (November 15, 1990).

(2) One (1) year after promulgation in the case of gasoline dispensing facilities which dispense at least one hundred thousand (100,000) gallons of gasoline per month, based on average monthly sales for the two (2) year period prior to November 15, 1992.

(3) Two (2) years after promulgation in the case of all other gasoline dispensing facilities.

(4) Any gasoline dispensing facility described in both subdivisions (1) and (2) shall meet the requirements of subdivision (1).

(5) New facilities constructed after the promulgation of this rule shall comply with the requirements of subsection (e) upon startup of the facility.

(6) Existing facilities previously exempted from, but which become subject to, the requirements of subsection (e) shall comply with the requirements of subsection (e) within one (1) year from the date the facility became subject.

(g) Any gasoline dispensing facility that becomes subject to the provisions of subsection (e) at any time shall remain subject to the provisions of subsection (e) at all times.

(h) Upon request by the agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this section shall submit records to the agency within thirty (30) calendar days from the date of the request which demonstrates that the gasoline dispensing facility is in fact exempt.

(i) Any gasoline dispensing facility subject to subsection (e) shall retain copies of all records and reports adequate to clearly demonstrate the following:

(1) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.

(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.

- (3) The time period and duration of all malfunctions of the vapor collection and control system.
- (4) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.
- (5) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system.
- (j) All records and reports required in subsection (i) shall be made available to the agency upon request. All records shall be retained for a period of two (2) years.

(k) Within forty-five (45) days after the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the agency a registration form which shall be provided by the department of environmental management, office of air management, which provides, at a minimum, the following:

- (1) The name, address, and telephone number of the facility.
- (2) The signature of the owner or operator.
- (3) The CARB executive order number for the vapor collection and control system to be utilized.
- (4) The number of nozzles, excluding diesel and kerosene, used for motor vehicle refueling.
- (5) The monthly average volume of motor vehicle fuel dispensed.
- (6) The date of completion of installation of the vapor collection and control system. Completion of installation includes the successful passing of a vapor leakage and blockage test. A vapor leakage and blockage test must, at a minimum, include the following:
  - (A) A pressure decay or leak test.
  - (B) A dynamic pressure drop test.
  - (C) A liquid blockage test.

The results of these tests must be submitted with the registration form specified in this subsection.

(l) All vapor collection and control systems shall be retested for vapor leakage and blockage, and successfully pass the test, at least every five (5) years or upon major system replacement or modification. A major system modification is considered to be replacing, repairing, or upgrading seventy-five percent (75%) or more of a vapor collection and control system of a facility.

\*These materials have been incorporated by reference and are available upon payment of a copying charge from the Indiana Department of Environmental Management, Office of Air Management, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 8-4-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 8; filed Nov 30, 1990, 4:20 p.m.: 14 IR 605; filed Oct 28, 1993, 5:00 p.m.: 17 IR 332; filed Sep 18, 1995, 3:00 p.m.: 19 IR 203; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3349; errata filed Feb 18, 1997, 4:00 p.m.: 20 IR 1738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-7 Gasoline transports**

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

Sec. 7. (a) No owner or operator of a gasoline transport shall cause, allow, or permit the transfer of gasoline between transports and storage tanks that are equipped with a vapor balance system or vapor recovery system unless:

- (1) the vapor balance system or vapor recovery system is connected and operating according to manufacturers' specifications;
- (2) gasoline transport compartment hatches are closed at all times during loading operations;
- (3) except as provided in section 9(i) of this rule (stack testing) and for sources subject to 40 CFR 60.503(b)\* (Standards of Performance for New Stationary Sources) or 40 CFR 63.425(a)\* (National Emission Standards for Hazardous Air Pollutants) requirements, there are no visible leaks, or otherwise detectable leaks (measured at twenty-one thousand (21,000) parts per million as propane as specified in 40 CFR 63.425(f)(1)\*), in the gasoline transport's pressure/vacuum relief valves, hatch cover, trailer compartments, storage tanks, or associated vapor and liquid lines during loading or unloading; and
- (4) the pressure relief valves on gasoline transports are set to release at no less than four and eight-tenths (4.8) kilo Pascals (seven-tenths (0.7) pounds per square inch).
- (b) Tank wagons are exempt from vapor balance requirements.
- (c) When employees of the owner of a bulk gasoline terminal are present to supervise or perform loading, the owner of the terminal shall be responsible for compliance with subsection (a)(1) through (a)(3). The owner of the terminal shall also ensure that owners of gasoline transports loading at the terminal during unsupervised times comply with this section.
- (d) Gasoline transports must be designed, maintained, and operated so as to be vapor-tight.

(e) Transfer of gasoline between a gasoline transport and a storage tank that is not equipped with a vapor balance system or vapor recovery system is not subject to this section. (*Air Pollution Control Board; 326 IAC 8-4-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 9; errata filed Sep 29, 1989, 4:30 p.m.: 13 IR 297; filed Oct 5, 1999, 3:46 p.m.: 23 IR 298; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 30, 2001, 12:15 p.m.: 25 IR 1183*)

**326 IAC 8-4-8 Leaks from petroleum refineries; monitoring; reports**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5; IC 13-7-16-7

Sec. 8. (a) The owner or operator of each petroleum refinery subject to this rule shall develop and conduct a monitoring program consistent with the provisions of subsection (c). A description of such program shall be submitted to the board by June 30, 1981. The first report required by this section shall be submitted by January 31, 1982.

(b) The monitoring program required by this section shall contain each element listed as a requirement in subsections (c) through (m). The provisions listed as guidelines in subsections (c) through (m) are not absolute requirements, but guidelines to be used in preparation of the program. Programs following all guidelines contained in subsections (c) through (m) will be approved by the commissioner. Programs that delete or amend certain guidelines will only be approved if the owner or operator submits information justifying such amendment or deletion based on the fact that:

- (1) such guideline is not economically or technologically feasible as it applies to a particular source; or
- (2) the program proposed by such owner or operator will result in equivalent control of VOC emissions.

(c) Each monitoring program shall specify the components that will be tested and the frequency at which such tests will be made.

(d) An approvable program will consist of the following:

- (1) Monitor yearly by the methods referenced in subsection (n), all pump seals, pipeline valves in liquid service, and process drains.
- (2) Monitor quarterly by the methods referenced in subsection (n), all compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service.
- (3) Monitor weekly by visual methods all pump seals.
- (4) Monitor immediately any pump seal from which liquids are observed dripping.
- (5) Monitor any relief valve within twenty-four (24) hours after it has vented to the atmosphere.
- (6) Monitor immediately after repair any component that was found leaking.
- (7) Commencing July 1, 1991, components which are located where monitoring would be hazardous shall be monitored when conditions allow these components to be monitored safely.

(e) Pressure relief devices which are connected to an operating flare header, vapor recovery device, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements listed in subsection (c). Components which are located where monitoring would be hazardous, and components in lines carrying gases composed of ninety percent (90%) methane or ethane, are exempt from the monitoring requirements listed in subsection (c) until July 1, 1991.

(f) The monitoring program may be suspended during the months of December, January, and February.

(g) Each monitoring program shall specify the make and model of the monitoring equipment to be used.

(h) Each monitoring program shall specify the following:

- (1) The VOC concentration which will establish the existence of a leaking component.
- (2) The way in which such components will be recorded and identified.
- (3) The time within which each type of leaking component will be repaired.

(i) An approvable program will consist of the following:

- (1) Record all leaking components which have a VOC concentration exceeding ten thousand (10,000) parts per million when tested according to the provisions in subsection (n).
- (2) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in subdivision (1), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the component. This tag shall remain in place until the leaking component is repaired.
- (3) Repair and retest the leaking components, as defined in subdivision (1), as soon as possible but no later than fifteen (15) normal working days after the leak is found.
- (4) Identify all leaking components, as defined in subdivision (1), which cannot be repaired until the unit is shut down for

turnaround.

(j) Each monitoring program shall specify the records that will be maintained. A copy of the log book format will be submitted with the program description. Copies of all monitoring records shall be retained for a minimum of two (2) years after the date on which the record was made. Copies of monitoring records shall be immediately made available to the commissioner, upon verbal or written request, at any reasonable time.

(k) An approvable record keeping program will include the following data:

- (1) The name of the process unit where the component is located.
- (2) The type of component, for example, valve, seal.
- (3) The tag number of the component.
- (4) The date on which a leaking component is discovered.
- (5) The date on which a leaking component is repaired.
- (6) The date and instrument reading of the recheck procedure after a leaking component is repaired.
- (7) A record of the calibration of the monitoring instrument.
- (8) Those leaks that cannot be repaired until turnaround.
- (9) The total number of components checked and the total number of components found leaking.

(l) Each monitoring program shall specify the frequency at which reports will be submitted to the commissioner and the data that will be included in such reports.

(m) An approvable reporting program shall include the following:

- (1) Submission of a report to the commissioner during June, September, and December that lists all leaking components that were located during the previous calendar months, but not repaired within fifteen (15) days, all leaking components awaiting unit turnaround, the total number of components inspected, and the total number of components found leaking.
  - (2) Submission of a signed statement with the report attesting to the fact that, with the exception of those leaking components listed in the report, all monitoring and repairs were performed as stipulated in the monitoring program.
- (n) Each monitoring program shall specify the testing and calibration procedures to be used to determine compliance.

(o) An approvable monitoring program shall use testing and calibration procedures consistent with Method 21 of 40 CFR 60, Appendix A.

(p) Following submittal of the program description as required by subsection (a), the commissioner shall approve or disapprove such program within two (2) months following the submittal. If no action is taken within the two (2) month period, the program as submitted shall be deemed approved. If no program is submitted by a refinery by the time specified in subsection (a), the refinery shall be required to implement a program in accordance with the guidelines of subsections (b) through (o). If a program is disapproved, the disapproval shall indicate the specific portions of the program that are unacceptable. All acceptable portions of the program shall be implemented immediately. The owner or operator of the refinery shall have three (3) months after disapproval to amend the program or substantiate the program in a manner acceptable to the commissioner. At the end of such time, if the program is still unacceptable, the commissioner may require the refinery to comply with a program specified by the commissioner. Monitoring, record keeping, and reporting programs varying from the guidelines specified in subsections (b) through (o) shall be submitted to the U.S. EPA as a SIP revision.

(q) Each refinery subject to this section shall comply with the following provisions:

- (1) The commissioner may require the operator to reschedule turnaround based on the number and severity of tagged leaks awaiting turnaround.
- (2) Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken or during maintenance operations.
- (3) Pipeline valves and pressure relief valves in gaseous volatile organic compound service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the staff.

(r) The commissioner, upon written notice, may modify the monitoring, record keeping, and reporting requirements. (*Air Pollution Control Board; 326 IAC 8-4-8; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1681; errata filed Sep 5, 1990, 2:20 p.m.: 14 IR 155; filed May 6, 1991, 4:45 p.m.: 14 IR 1719; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-4-9 Leaks from transports and vapor collection systems; records**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) This section is applicable to the following:

- (1) All vapor balance systems and vapor control systems at sources subject to sections 4 through 6 of this rule.
- (2) All gasoline transports subject to section 7 of this rule.

(b) No person shall allow a gasoline transport that is subject to this rule and that has a capacity of two thousand (2,000) gallons or more to be filled or emptied unless the gasoline transport completes the following:

(1) Annual leak detection testing before the end of the twelfth calendar month following the previous year's test, according to test procedures contained in 40 CFR 63.425(e)\*, as follows:

(A) Conduct the pressure and vacuum tests for the transport's cargo tank using a time period of five (5) minutes. The initial pressure for the pressure test shall be four hundred sixty (460) millimeters H<sub>2</sub>O (eighteen (18) inches H<sub>2</sub>O) gauge. The initial vacuum for the vacuum test shall be one hundred fifty (150) millimeters H<sub>2</sub>O (six (6) inches H<sub>2</sub>O) gauge. The maximum allowable pressure or vacuum change is twenty-five (25) millimeters H<sub>2</sub>O (one (1) inch H<sub>2</sub>O) in five (5) minutes.

(B) Conduct the pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the test under clause (A), use the procedures in 40 CFR 60, Appendix A, Method 27\* to repressurize the tank to four hundred sixty (460) millimeters H<sub>2</sub>O (eighteen (18) inches H<sub>2</sub>O) gauge. Close the transport's internal vapor valve or valves, thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After five (5) minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable five (5) minute pressure increase is one hundred thirty (130) millimeters H<sub>2</sub>O (five (5) inches H<sub>2</sub>O).

(2) Repairs by the gasoline transport owner or operator, if the transport does not meet the criteria of subdivision (1), and retesting to prove compliance with the criteria of subdivision (1).

(c) The annual test data remain valid until the end of the twelfth calendar month following the test. The owner of the gasoline transport shall be responsible for compliance with subsection (b) and shall provide the owner of the loading facility with the most recent valid modified 40 CFR 60, Appendix A, Method 27\* test results upon request. The owner of the loading facility shall take all reasonable steps, including reviewing the test date and tester's signature, to ensure that gasoline transports loading at its facility comply with subsection (b).

(d) The owner or operator of a vapor balance system or vapor control system subject to this rule shall:

(1) design and operate the applicable system and the gasoline loading equipment in a manner that prevents:

(A) gauge pressure from exceeding four thousand five hundred (4,500) pascals (eighteen (18) inches of H<sub>2</sub>O) and a vacuum from exceeding one thousand five hundred (1,500) pascals (six (6) inches of H<sub>2</sub>O) in the gasoline transport;

(B) except for sources subject to 40 CFR 60.503(b)\* (Standards of Performance for New Stationary Sources) or 40 CFR 63.425(a)\* (National Emission Standards for Hazardous Air Pollutants) requirements, a reading equal to or greater than twenty-one thousand (21,000) parts per million as propane, from all points on the perimeter of a potential leak source when measured by the method referenced in 40 CFR 60, Appendix A, Method 21\*, or an equivalent procedure approved by the commissioner during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

(C) avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

(2) within fifteen (15) days, repair and retest a vapor balance, collection, or control system that exceeds the limits in subdivision (1).

(e) The department may, at any time, monitor a gasoline transport, vapor balance, or vapor control system to confirm continuing compliance with subsection (b) or (c).

(f) The owner or operator of a vapor balance or vapor control system subject to this section shall maintain records of all certification testing. The records shall identify the following:

- (1) The vapor balance, vapor collection, or vapor control system.
- (2) The date of the test and, if applicable, retest.
- (3) The results of the test and, if applicable, retest.

The records shall be maintained in a legible, readily available condition for at least two (2) years after the date the testing and, if applicable, retesting were completed.

(g) The owner or operator of a gasoline transport subject to this section shall keep a legible copy of the transport's most recent valid annual modified 40 CFR 60, Appendix A, Method 27\* test either in the cab of the transport or affixed to the transport trailer. The test record shall identify the following:

- (1) The gasoline transport.
- (2) The type and date of the test and, if applicable, date of retest.
- (3) The test methods, test data, and results certified as true, accurate, and in compliance with this rule by the person who performs the test.

This copy shall be made available immediately upon request to the department and to the owner of the loading facility for inspection and review. The department shall be allowed to make copies of the test results.

(h) If the commissioner allows alternative test procedures in subsection (b)(1) or (d)(1)(B), such method shall be submitted to the U.S. EPA as a SIP revision.

(i) During compliance tests conducted under 326 IAC 3-6 (stack testing), each vapor balance or control system shall be tested applying the standards described in subsection (d)(1)(B). Testers shall use 40 CFR 60, Appendix A, Method 21\* to determine if there are any leaks from the hatches and the flanges of the gasoline transports. If any leak is detected, the transport cannot be used for the capacity of the compliance test of the bulk gas terminal. The threshold for leaks shall be as follows:

- (1) Five hundred (500) parts per million methane for all bulk gas terminals subject to NESHAP/MACT (40 CFR 63, Subpart R\*).
- (2) Ten thousand (10,000) parts per million methane for all bulk gas terminals subject to New Source Performance Standards (40 CFR 60, Subpart XX\*) and for all other bulk gas terminals.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-4-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2542; filed Nov 30, 1990, 4:20 p.m.: 14 IR 606; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3351; filed Oct 5, 1999, 3:46 p.m.: 23 IR 299; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Jan 14, 2002, 2:57p.m.: 25 IR 1906*)



**Rule 5. Miscellaneous Operations**

**326 IAC 8-5-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 1. 326 IAC 8-5 pertaining to miscellaneous operations shall apply to:

(1) facilities or sources existing as of January 1, 1980, of the types described in 326 IAC 8-5-2 and facilities or sources existing as of November 1, 1980, of the types described in 326 IAC 8-5-3, 326 IAC 8-5-4, and 326 IAC 8-5-5, located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties; and

(2) sources or facilities, construction of which commences after January 1, 1980, of the types described in 326 IAC 8-5-2 and sources or facilities, construction of which commences after November 1, 1980, of the types described in 326 IAC 8-5-3, 326 IAC 8-5-4, and 326 IAC 8-5-5, located anywhere in the state. Any asphalt paving application made after January 1, 1980, shall be regulated by this rule (326 IAC 8-5).

*(Air Pollution Control Board; 326 IAC 8-5-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2543; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-5-2 Asphalt paving rules**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. (a) This section applies to any paving application anywhere in the state. For the purposes of this section, the term "asphalt emulsion" shall mean any dispersion of asphalt in water, optional additives, optional distillates, and emulsifying agents.

(b) No person shall cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion as determined by ASTM D244-80a "Emulsific Asphalts" ASTM part 15, 1981 ASTM 1916 Race St., Philadelphia, PA 19103, Library of Congress Card Catalog #40-10712, for any paving application except as used for the following purposes:

(1) penetrating prime coating;

(2) stockpile storage;

(3) application during the months of November, December, January, February, and March.

*(Air Pollution Control Board; 326 IAC 8-5-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2543; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-5-3 Synthesized pharmaceutical manufacturing operations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) This section applies to the manufacture of pharmaceutical products by chemical synthesis. This section applies to all facilities emitting volatile organic compounds, including reactors, distillation units, dryers, storage of volatile organic compounds, transfer of volatile organic compounds, extraction equipment, filters, crystallizers, and centrifuges that have the potential to emit six and eight-tenths (6.8) kilograms per day (fifteen (15) pounds per day) or more.

(b) Control requirements are as follows:

(1) Volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers shall be controlled by surface condensers or equivalent controls.

(A) If surface condensers are used, the condenser outlet gas temperature must not exceed:

(i) minus twenty-five degrees Celsius (-25°C) when condensing VOC of vapor pressure greater than forty (40) kilo Pascals (five and eight-tenths (5.8) pounds per square inch);

(ii) minus fifteen degrees Celsius (-15°C) when condensing VOC of vapor pressure greater than twenty (20) kilo Pascals (two and nine-tenths (2.9) pounds per square inch);

(iii) zero degrees Celsius (0°C) when condensing VOC of vapor pressure greater than ten (10) kiloPascals (one and five-tenths (1.5) pounds per square inch);

- (iv) ten degrees Celsius (10°C) when condensing VOC of vapor pressure greater than seven (7) kiloPascals (one (1) pound per square inch); or
- (v) twenty-five degrees Celsius (25°C) when condensing VOC of vapor pressure greater than three and five-tenths (3.5) kilo Pascals (five-tenths (0.5) pound per square inch).

(B) The vapor pressures listed above shall be measured at twenty degrees Celsius (20°C).

(C) If equivalent controls are used, the VOC emissions must be reduced by at least as much as they would be by using a surface condenser which meets the requirements of clause (A).

(2) VOC emissions from all air dryers and production equipment exhaust systems at sources existing as of July 1, 1990, in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties and at new sources located in any county construction of which commences after July 1, 1990, shall be reduced:

(A) by at least eighty-five percent (85%) until July 1, 1991, and by at least ninety percent (90%) commencing July 1, 1991, if emissions are one hundred fifty (150) kilograms per day (three hundred thirty (330) pounds per day) or more of VOC; or

(B) to fifteen (15) kilograms per day (thirty-three (33) pounds per day) or less if emissions are less than one hundred fifty (150) kilograms per day (three hundred thirty (330) pounds per day) of VOC.

This requirement may be waived by the commissioner if the owner or operator can show to the satisfaction of the commissioner that such control is not practical at a reasonable cost because of dilution of the exhaust gas with large quantities of air. Any such waiver shall be submitted to the U.S. EPA as a SIP revision.

(3) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this section shall:

(A) provide a vapor balance system or equivalent control that is at least ninety percent (90%) effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than seven thousand five hundred (7,500) liters (two thousand (2,000) gallons) that store VOC with vapor pressures greater than twenty-eight (28) kiloPascals (four and one-tenth (4.1) pounds per square inch) at twenty degrees Celsius (20°C); and

(B) install pressure/vacuum conservation vents set at plus or minus two-tenths ( $\pm 0.2$ ) kilo Pascals on all storage tanks that store VOC with vapor pressures greater than ten (10) kilo Pascals (one and five-tenths (1.5) pounds per square inch at twenty degrees Celsius (20°C)), unless a more effective control system is used.

(4) The owner or operator of a synthesized pharmaceutical facility subject to this section shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of three and five-tenths (3.5) kiloPascals (five-tenths (0.5) pounds per square inch) or more at twenty degrees Celsius (20°C).

(5) The owner or operator of a synthesized pharmaceutical facility subject to this rule shall install covers on all inprocess tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

(6) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this section shall repair all leaks from which a liquid, containing VOC, can be observed running or dripping. The repair shall be completed the first time the equipment is off line for a period of time long enough to complete the repair.

*(Air Pollution Control Board; 326 IAC 8-5-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2544; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1683; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-5-4 Pneumatic rubber tire manufacturing**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. (a) This section applies to sources manufacturing pneumatic rubber, passenger type tires on a mass production basis. "Passenger type tire" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger vehicle tires with a bead diameter up to twenty (20) inches and cross section dimensions up to twelve and eight-tenths (12.8) inches.

(b) This section does not apply to the production of specialty tires for antique or other vehicles when produced on an irregular basis or with short production runs. If normal production line equipment is used for such limited runs, then any control equipment installed for such equipment shall be used during the limited runs.

(c) This section applies to the following individual types of facilities:

- (1) Undertread cementing, which is the application of a solvent based cement to the underside of a tire tread. This shall not

include application of cement to precured tread to be used for recapping of used tires.

- (2) Bead dipping, which is the dipping of an assembled tire bead into a solvent based cement.
- (3) Tread end cementing, which is the application of a solvent based cement to the tire tread ends.
- (4) Green tire spraying, which is the spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.
- (d) The following facilities subject to this section shall comply with subsections (e) through (f) no later than December 31, 1991:

- (1) Facilities located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties.
- (2) Facilities, which commenced construction between January 1, 1980, and January 20, 1983, located in any county.
- (e) The owner or operator of an undertread cementing, tread end cementing, or bead dipping operation shall install and operate a capture system in conjunction with a control device which shall achieve an overall control efficiency of:

- (1) eighty percent (80%) for carbon adsorption systems;
- (2) seventy-five percent (75%) for incineration systems; or
- (3) eighty percent (80%) for alternative volatile organic compound emission reduction systems approved by the commissioner.
- (f) The owner or operator of a green tire spraying operation shall meet one (1) of the following requirements:

- (1) Substitute water-based sprays for the normal solvent-based mold release compound. A water-based spray may contain up to ten percent (10%) organic solvents.
- (2) Install and operate a capture system in conjunction with a control device which shall achieve an overall control efficiency of:
  - (A) eighty-five percent (85%) for carbon adsorption systems;
  - (B) eighty percent (80%) for incineration systems; or
  - (C) eighty-five percent (85%) for alternative volatile organic compound emission reduction systems approved by the commissioner.

(g) Any alternative organic compound emission reduction system approved by the commissioner, as provided in this section, shall be submitted to the U.S. EPA as a SIP revision. (*Air Pollution Control Board; 326 IAC 8-5-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2544; filed May 6, 1991, 4:45 p.m.: 14 IR 1721; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 8-5-5 Graphic arts operations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-12-3-1; IC 13-14-8-1; IC 13-14-8-2; IC 13-17-1

Sec. 5. (a) This section applies to packaging rotogravure, publication rotogravure, and flexographic printing sources as follows:

- (1) Sources existing as of November 1, 1980, whose potential emissions of volatile organic compounds are greater than ninety (90) megagrams per year (one hundred (100) tons per year).
- (2) All new (after November 1, 1980) sources, located anywhere in the state, with potential emissions of twenty-two and seven-tenths (22.7) megagrams (twenty-five (25) tons) per year or more volatile organic compounds.
- (3) As of October 1, 1993, all sources located in Lake or Porter County as follows:
  - (A) Sources whose potential emissions of volatile organic compounds are greater than or equal to twenty-two and seven-tenths (22.7) megagrams (twenty-five (25) tons) per year are subject to the requirements of this section and the requirements of 326 IAC 8-1-9 through 326 IAC 8-1-12, as applicable.
  - (B) Sources whose potential emissions of volatile organic compounds are less than twenty-five (25) tons per year but greater than or equal to ten (10) tons per year are exempt from the emission limit requirements of subsection (c), the capture system requirements of subsection (d), and the capture system requirements of subsection (e) but shall comply with the requirements of 326 IAC 8-7-2(c) and 326 IAC 8-1-9(b).
  - (C) Sources whose potential emissions of volatile organic compounds are less than ten (10) tons per year shall comply with the requirements of 326 IAC 8-1-9(b).
- (b) The following definitions apply throughout this section:
  - (1) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.
  - (2) "Publication rotogravure printing" means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(3) "Flexographic printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(c) No owner or operator of a facility subject to this section and employing solvent-containing ink may cause, allow, or permit the operation of the facility unless:

(1) the volatile fraction of the ink, as it is applied to the substrate, contains twenty-five percent (25%) by volume or less of volatile organic compound and seventy-five percent (75%) by volume or more of water;

(2) the ink as it is applied to the substrate, less water, contains sixty percent (60%) by volume or more nonvolatile material;

(3) the owner or operator installs and operates:

(A) a carbon adsorption system that reduces the volatile organic emissions from the capture system by at least ninety percent (90%) by weight;

(B) an incineration system that oxidizes at least ninety percent (90%) of the nonmethane volatile organic compounds (volatile organic compounds measured as total combustible carbon) to carbon dioxide and water; or

(C) an alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent (90%) reduction efficiency, measured across the control system, and has been approved by the commissioner; or

(4) for packaging rotogravure and flexographic printing processes, the ink, as applied to the substrate, meets an emission limit of five-tenths (0.5) pound of volatile organic compound per pound (five-tenths (0.5) kilogram (kg) of volatile organic compound per kg) of solids in the ink.

(d) The following facilities subject to this section shall comply with the capture system requirements in subsection (c):

(1) Facilities existing as of July 1, 1990, with potential volatile organic compound emissions of ninety (90) megagrams (one hundred (100) tons) or greater per year located in Clark, Elkhart, Floyd, Marion, and St. Joseph Counties. These facilities shall attain compliance with subsection (e) no later than July 1, 1991.

(2) New facilities, construction of which commences after July 1, 1990, with potential emissions of twenty-two and seven-tenths (22.7) megagrams (twenty-five (25) tons) or greater per year located in any county.

(3) Facilities located in Lake or Porter County with potential emissions of twenty-two and seven-tenths (22.7) megagrams (twenty-five (25) tons) or greater per year. These facilities shall attain compliance with subsection (e) no later than October 1, 1993.

(e) A capture system must be used in conjunction with the emission control systems specified in subsection (c)(3). The capture system shall attain an efficiency sufficient to achieve an overall control efficiency, in conjunction with the emission control system, of:

(1) seventy-five percent (75%) for publication rotogravure processes;

(2) sixty-five percent (65%) for packaging rotogravure processes; and

(3) sixty percent (60%) for flexographic printing processes.

*(Air Pollution Control Board; 326 IAC 8-5-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2545; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1685; filed May 6, 1991, 4:45 p.m.: 14 IR 1723; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2828; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2321; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

## **Rule 6. Organic Solvent Emission Limitations**

### **326 IAC 8-6-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7

Sec. 1. This rule (326 IAC 8-6) shall apply to:

(1) existing sources (as of January 1, 1980), located in Lake and Marion Counties, with potential emissions of 90.7 megagrams (100 tons) or greater per year of VOC, not limited by other rules in this article (326 IAC 8); and

(2) sources commencing operation after October 7, 1974, and prior to January 1, 1980, located anywhere in the state, with potential emissions of 90.7 megagrams (100 tons) or greater per year of VOC, not limited by other rules in this article (326 IAC 8).

*(Air Pollution Control Board; 326 IAC 8-6-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2546; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-6-2 Emission limits; exemptions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. (a) No person shall emit or cause the emission of more than 90.7 megagrams (100 tons) per year of VOC from any source unless all VOC emitted from such source are reduced by at least eighty-five percent (85%) from emissions which would occur before the application of any control equipment or process. This section applies only to emissions of organic solvents which are VOC and which are liquids at standard conditions, and include diluents which are used as dissolvers, viscosity reducers, carrying agents, and cleaning agents.

(1) The aggregate emissions of VOC into the atmosphere from any series of facilities designed for processing a continuously moving sheet, web, strip, or wire by a combination of operations shall comply with the requirements of this section.

(2) Emissions of VOC into the atmosphere which result from the cleaning of any facility with organic solvents shall be included with the other emissions of VOC from such facility in determining compliance with this section.

(3) Emissions of VOC into the atmosphere which result from the spontaneous drying of products after their removal from any facility shall be included with other emissions of VOC from such facility in determining compliance with this section.

(b) The provisions of this section shall not apply to:

(1) the manufacture of organic solvents;

(2) the spraying or other employment of insecticides, pesticides, or herbicides;

(3) industrial surface coating operations when the coating's solvent make-up does not contain highly reactive organic materials by volume greater than set forth in subdivision (b)(4) of this section.

(4) The use of the following solvents:

(A) hydrocarbons, alcohols, aldehydes, esters, ethers or ketones provided that the total of such solvents with olefinic or cyclo-olefinic unsaturation does not exceed five percent (5%) by volume either singly or in combinations;

(B) aromatic organic solvents provided that the total of such solvents with eight (8) or more carbon atoms to the molecule, excluding ethyl benzene, does not exceed eight percent (8%) by volume either singly or in combinations;

(C) ethyl benzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene not exceeding twenty percent (20%) by volume either singly or in combinations;

(D) any organic solvent or mixture of solvents which, because of its structure or composition, may be subject to the limitations of more than one (1) of the categories in clause (A), (B), or (C), above shall be considered a member of the class with the lowest percentage limitation. In no case shall a combination of compounds subject to the limitations of clause (A), (B), or (C) above, exceed twenty percent (20%) by volume of the combination;

(E) saturated halogenated hydrocarbons, perchloroethylene, acetone, C(1)-C(5) n-paraffins, cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate, triethylamine, and non-photochemically reactive hydrocarbons.

*(Air Pollution Control Board; 326 IAC 8-6-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2546; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 7. Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties**

**326 IAC 8-7-1 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 1. In addition to the definitions contained in 326 IAC 1-2 and 326 IAC 8-1-0.5, the following definitions apply throughout this rule:

(1) "Aggregate emissions of a source" means the sum of the baseline potential emissions from all the facilities at the source of the types listed in section 2(a) of this rule.

(2) "Baseline actual emissions" means the actual emissions for the baseline year.

(3) "Baseline potential emissions" means the facility's potential to emit assuming one hundred percent (100%) use of the highest VOC emitting material used in the baseline year.

(4) "Baseline year" means the year 1990 or later for which the most accurate or complete data are available and are

representative of the source's normal operating conditions.

(5) "Fuel combustion facility" means a fossil fuel fired steam generating unit, process heater, or process furnace used exclusively for the purpose of producing steam by heat transfer or for heating an industrial process by heat transfer.

(6) "Industrial wastewater treatment" means the treatment of spent or used water containing dissolved or suspended matter from the following types of industries:

- (A) Organic chemical, plastic, and synthetic fiber manufacturing.
- (B) Pesticide manufacturing.
- (C) Pharmaceutical manufacturing.
- (D) Hazardous waste treatment, storage, and disposal facilities.

*(Air Pollution Control Board; 326 IAC 8-7-1; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224)*

**326 IAC 8-7-2 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 2. (a) This rule shall apply to stationary sources located in Lake, Porter, Clark, or Floyd County that emit or have the potential to emit volatile organic compounds (VOCs) at levels equal to or greater than twenty-five (25) tons per year (tpy) in Lake and Porter Counties and one hundred (100) tpy in Clark and Floyd Counties. This rule shall also apply to sources that have coating facilities which emit or have the potential to emit a total equal to or greater than ten (10) tpy of VOCs in Floyd, Clark, Lake, or Porter County. In determining whether the thresholds in this section are exceeded, the owner or operator of a source shall include the total potential VOC emissions from the following facilities:

(1) Facilities of the type identified by the following rules, but with actual emissions below the applicability levels of those rules:

- (A) 326 IAC 8-2, concerning surface coating operations.
- (B) 326 IAC 8-3, concerning organic solvent degreasing operations.
- (C) 326 IAC 8-4, concerning petroleum operations.
- (D) 326 IAC 8-5, concerning miscellaneous operations.

(2) Facilities of the following types:

- (A) Fuel combustion facilities, including process heaters and furnaces.
- (B) Wastewater treatment plants, excluding industrial wastewater treatment operations as defined in section 1(6) of this rule.
- (C) Coke ovens, including byproduct ovens.
- (D) Barge loading facilities.
- (E) Jet engine test cells.
- (F) Iron and steel production facilities.
- (G) Vegetable oil processing facilities.

(3) All other facilities with potential VOC emissions, hereafter referred to as affected facilities except those covered by the rules cited in clauses (A) through (D) and those belonging to source categories listed in clauses (E) through (Q) as follows:

- (A) 326 IAC 8-2.
- (B) 326 IAC 8-3.
- (C) 326 IAC 8-4.
- (D) 326 IAC 8-5.
- (E) Synthetic organic chemical manufacturing industry (SOCMI) distillation.
- (F) SOCMI reactors.
- (G) Offset lithography.
- (H) Batch processors.
- (I) Industrial wastewater treatment operations.
- (J) Plastic parts coating for business machines.
- (K) Plastic parts coating for automobiles.
- (L) Wood furniture coating.
- (M) Aerospace coating.

- (N) Auto body refinishing.
- (O) Ship building and ship repair.
- (P) Cleanup solvents.
- (Q) Volatile organic liquids storage.

(b) Facilities of the types listed in subsection (a)(1) through (a)(2) are exempt from the emission limit requirements of section 3 of this rule.

(c) Coating facilities that have aggregate potential emissions greater than ten (10) tpy and less than twenty-five (25) tpy in Lake and Porter Counties and coating facilities with aggregate potential emissions greater than forty (40) tpy and less than one hundred (100) tpy in Clark and Floyd Counties shall comply with the certification, record keeping, and reporting requirements of section 6 of this rule.

(d) Affected facilities are subject to the requirements of section 3 of this rule unless the source's actual emissions have been limited on or before May 31, 1995, to below twenty-five (25) tpy in Lake and Porter Counties and one hundred (100) tpy in Clark and Floyd Counties through federally enforceable production or capacity limitations in an operating permit. Until such time as 326 IAC 2-8 has been approved by the U.S. EPA, the operating permit will be submitted to the U.S. EPA by the department as a SIP revision. (*Air Pollution Control Board; 326 IAC 8-7-2; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224*)

**326 IAC 8-7-3 Emission limits**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 3. Affected facilities must implement one (1) of the following emissions reduction measures on or before May 31, 1995:

(1) Achieve an overall VOC reduction from baseline actual emissions of at least ninety-eight percent (98%) by the documented reduction in use of VOC containing materials or install an add-on control system that achieves an overall control efficiency of ninety-eight percent (98%).

(2) Where it can be demonstrated by the source that control technology does not exist that is reasonably available and both technologically and economically feasible to achieve a ninety-eight percent (98%) reduction in VOC emissions, a source shall achieve an overall VOC reduction of at least eighty-one percent (81%) from baseline actual emissions with the documented reduction in use of VOC containing materials or install an add-on control system that achieves an overall control efficiency of eighty-one percent (81%).

(3) Achieve an alternative overall emission reduction with the application of reasonably available control technology (RACT) that has been determined as reasonably available by the U.S. EPA and the department. A petition developed in accordance with the procedures in 326 IAC 8-1-5 shall accompany the request for an alternative overall emission reduction. The petition shall be submitted to the department on or before December 31, 1994. The department may approve an extension until February 28, 1995, for submittal of the petition provided the request is received by the department prior to December 31, 1994.

(*Air Pollution Control Board; 326 IAC 8-7-3; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1225*)

**326 IAC 8-7-4 Compliance methods**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 4. (a) If compliance with section 3(1) or 3(2) of this rule is to be achieved with the application of an add-on control system or systems, the following requirements shall apply:

(1) On or before December 31, 1994, the source shall submit to the department a compliance plan containing the following information:

- (A) A description of the processes that will be controlled.
- (B) A description of the add-on control systems.
- (C) A description of the expected control efficiency that will be achieved.

(2) A compliance test shall be performed on the add-on control systems according to the schedule and situations described in section 9(4) of this rule. The test results will be used to demonstrate compliance with the applicable emission limit and establish process and control system operating parameters.

(3) After August 31, 1995, compliance shall continue to be demonstrated by monitoring the process and control system

operating parameters established in the initial compliance test unless the parameters are revised by a subsequent test. Any subsequent test and revision to process and control system operating parameters must be submitted to the department as a revision to the compliance plan and be approved by the department. A copy of the most recent compliance test shall be located at the facility and shall be made available to any department or U.S. EPA inspector upon request.

(4) Results of the compliance test required by subdivision (2) shall be submitted to the department on or before September 30, 1995, and shall contain, at a minimum, all of the following:

- (A) Test methods and procedures.
- (B) Overall control efficiency.
- (C) Process operating parameters during the compliance test, including, but not limited to, the following:
  - (i) Production rate.
  - (ii) Temperature.
  - (iii) Pressure.
  - (iv) Moisture content of process stream.
  - (v) Characteristics of process materials.
  - (vi) Other parameters relevant to the emissions of VOC.

(b) If compliance with section 3(1) or 3(2) of this rule is to be achieved through the reduction in the use of VOC containing materials, the owner or operator shall submit a compliance plan on or before December 31, 1994.

(1) The compliance plan shall contain, at a minimum, all of the following information:

- (A) The name and address of the source, and the name and telephone number of a company representative.
- (B) A complete description of the baseline actual emissions.
- (C) A complete description of the VOC containing materials, such as chemicals, coatings, solvents, and cleaning materials used at the facility with an identification of the VOC containing materials that will be replaced along with a complete description of the replacement materials. The owner or operator shall also include a description of the operations in which the VOC containing materials are used.
- (D) A comprehensive record keeping and monitoring plan that will be used to insure and demonstrate compliance. The plan must follow the test methods and procedures as described in section 7 of this rule.

(2) The owner or operator shall also submit a copy of the approved compliance plan with the source's Part 70 permit application. The Part 70 permit application must be submitted to the department no later than six (6) months, and issued no later than twelve (12) months, from the effective date of Indiana's Part 70 permit program. The department shall incorporate the approved compliance plan into the source's Part 70 permit which shall include specific enforceable permit conditions. These permit conditions shall reflect limits, with no longer than daily averaging, on VOC content of process materials, capture and control efficiencies, or other conditions that will limit VOC emissions and demonstrate compliance with the requirements of this rule. The permit shall also include appropriate test methods that are consistent with the methods incorporated within 326 IAC 8 [*this article*], and sufficient monitoring record keeping and reporting requirements to assure that information is available to document continuous compliance with the VOC limits. The department will submit a copy of the compliance plan to the U.S. EPA for review. On or after May 31, 1995, the owner or operator shall operate the facility as described in the approved compliance plan unless request by the department to modify the plan as described in section 5 of this rule.

(c) If a source intends to comply with section 3(2) of this rule, it shall submit to the department on or before December 31, 1994, for review and approval, documentation demonstrating that ninety-eight percent (98%) control is not reasonably achievable taking into account availability of alternative materials, technical feasibility, cost, and any other factors considered by the source. A demonstration that ninety-eight percent (98%) control is not achieved at similar operations, if any, in other ozone nonattainment areas within the United States is an acceptable demonstration.

(d) Owners or operators who elect to comply with section 3(3) of this rule are subject to the following requirements:

(1) Compliance shall be achieved with the application of one (1) or more emission reduction systems including, but not limited to, the following:

- (A) add-on controls;
- (B) elimination or reduction in use of VOC containing materials; or
- (C) work practices.

(2) On or before December 31, 1994, the owner or operator shall submit to the department a compliance plan containing all of the following information:

- (A) The name and address of the source and the name and telephone number of a company representative.



- (B) A petition for a site specific RACT control plan developed in accordance with the procedures in 326 IAC 8-1-5.
- (C) Identification of all VOC emitting facilities along with the description of the purpose each facility serves.
- (D) A list of the facilities that meet the applicability criteria of section 2(a) of this rule.
- (E) Baseline actual emissions for each facility identified in clause (D) along with the following information:
  - (i) Maximum design rate, maximum production, or maximum throughput.
  - (ii) Identification, amount, and VOC emission factor of process materials such as coatings, chemicals, and fuels.
  - (iii) Baseline year.
- (F) A complete description of the emission reduction measures that the source intends to implement, the percent VOC reduction to be achieved by these measures, and calculations that demonstrate that the measures will meet the projected VOC reductions described in the source's petition for site specific RACT. The compliance plan shall also describe the expected percentage of overall emission reduction from baseline actual emissions. Supporting documentation such as:
  - (i) a manufacturer's warranty on a control system;
  - (ii) the difference in the VOC emission factor of the baseline coating or process chemicals; or
  - (iii) an increase in transfer efficiency;

shall be included.

(G) The operation, maintenance, monitoring, and record keeping procedures that will ensure continued compliance.

(H) The expected annual VOC emission in tons per year (tpy) after applying the emission reduction systems.

(e) Owners or operators who elect to comply with this rule with the application of enforceable permit limits, in accordance with section 2(d) of this rule shall, prior to December 31, 1994, submit an application for a federally enforceable state operating permit (FESOP) in accordance with 326 IAC 2-8. Until such time as 326 IAC 2-8 has been approved by the U.S. EPA, the operating permit will be submitted to the U.S. EPA by the department as a SIP revision. The source shall include as a part of the permit application, the following information:

- (1) The name and address of the source and the name and telephone number of a company representative.
- (2) Identification of all VOC emitting facilities together with a description of the purpose each facility serves.
- (3) A list of facilities that meet the requirements of section 2(a) of this rule.
- (4) Baseline actual emissions for each facility identified in subdivision (3) along with the following information:
  - (A) Baseline year.
  - (B) Maximum design rate, maximum production, or maximum throughput.
  - (C) Identification, amount, and VOC emission factor of process materials such as coatings, chemicals, and fuels.
- (5) Identification of facilities for which limitation on hours of operation or limitation on amount of production has been proposed along with the proposed number of hours or amount of production.
- (6) The monitoring and record keeping procedures that will be used to demonstrate compliance with the limitation on hours of operation or limitations in amount of production.
- (7) A signed statement providing that the proposed limitation on hours of operation or limitation on amount of production shall be fully implemented prior to or on May 31, 1995.

The monitoring and record keeping procedures that will demonstrate compliance with the limitation on hours of operation or limitations in amount of production will be incorporated into the source's operating permit.

(f) The department may approve an extension until February 28, 1995, for any compliance plan, demonstration, or application required by this section, provided the request is received by the department prior to December 31, 1994. (*Air Pollution Control Board; 326 IAC 8-7-4; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1225*)

**326 IAC 8-7-5 Compliance plan**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 5. Compliance plans required by this rule must be approved by the department. The department may:

- (1) Request additional information if the information contained in the compliance plan is found to be incomplete or indicates noncompliance with the rule.
- (2) Request modifications in the proposed operation, maintenance, monitoring, and record keeping procedures.
- (3) If the department requests modifications in the proposed operation, maintenance, monitoring, or record keeping procedures, the owner or operator shall resubmit a new compliance plan containing the modification within sixty (60) days of the initial

notification.

(4) Compliance plans required by this rule must be approved by the department by November 30, 1995.

*(Air Pollution Control Board; 326 IAC 8-7-5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1227)*

**326 IAC 8-7-6 Certification, record keeping, and reporting requirements for coating facilities**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 6. On or before December 31, 1994, or upon the startup of any new coating facility meeting the aggregate potential emissions criteria of section 2(c) of this rule, each source or facility shall submit to the department a certification that the facility is exempt from the requirements of section 3 of this rule. The certification shall contain all of the following information:

- (1) The name and address of the source and the name and telephone number of the company representative.
- (2) Identification of each VOC emitting facility together with a description of the purpose each facility serves.
- (3) A listing of facilities which meet the requirements of section 2(a) of this rule.
- (4) Baseline actual emissions for each facility identified in subdivision (3) together with the following information:
  - (A) Maximum design rate, maximum production, or maximum throughput.
  - (B) VOC emission factors with reference to the source of the emission factors and procedures as to how the emission factors were estimated, for example, the type of each fuel or process chemicals used and the baseline year used.
- (5) Procedures that will be used to monitor the source's potential emissions to ensure that they remain below twenty-five (25) tpy.

*(Air Pollution Control Board; 326 IAC 8-7-6; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1227)*

**326 IAC 8-7-7 Test methods and procedures**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 7. The owner or operator of any source subject to this rule shall be subject to the applicable test method requirements of 326 IAC 8-1-4 and in 40 CFR 60, Appendix A\*.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available from the Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 8-7-7; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)*

**326 IAC 8-7-8 General record keeping and reports**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 8. In addition to complying with specific recording and reporting requirements in other sections of this rule, sources shall comply with all of the following requirements:

- (1) All records required by this rule shall be maintained for at least three (3) years.
- (2) Records required by this rule or records used to demonstrate that a source is exempt from the requirements of this rule shall be submitted to the department or the U.S. EPA within thirty (30) days of the receipt of a written request. If such records are not available, the source shall be considered to be subject to the emission limits contained in section 3 of this rule.
- (3) Sources subject to this rule shall notify the department at least thirty (30) days prior to the addition or modification of a facility which may result in a potential increase in VOC emissions.

*(Air Pollution Control Board; 326 IAC 8-7-8; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)*

**326 IAC 8-7-9 Control system operation, maintenance, and testing**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 9. The following requirements shall apply to sources that choose to meet the emission limit requirements of section 3 of this rule at any facility using a control device or devices:

- (1) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based on the results of the initial or subsequent compliance test or upon the written request of the department.
- (2) The operating and maintenance procedures shall be followed beginning no later than May 31, 1995. A copy of the procedures shall be submitted to the department no later than September 30, 1995.
- (3) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference by plant personnel and department inspectors.
- (4) The control system shall be tested according to the following schedule and under the following situations:
  - (A) An initial compliance test shall be conducted on or before August 31, 1995, and every two (2) years after the date of the initial test.
  - (B) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous test.
  - (C) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.
  - (D) A compliance test shall also be performed within ninety (90) days of the startup of a new facility or upon written request by the department or the U.S. EPA.
- (5) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:
  - (A) Test procedures.
  - (B) Operating and control system parameters.
  - (C) Type of VOC containing process material being used.
  - (D) The process and control system parameters which will be monitored during the test.

*(Air Pollution Control Board; 326 IAC 8-7-9; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)*

**326 IAC 8-7-10 Control system monitoring, record keeping, and reporting**

Authority: IC 13-1-1-4; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7

Sec. 10. (a) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the department:

- (1) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade ( $\pm 0.5^{\circ}\text{C}$ ), whichever is greater.
  - (2) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade ( $\pm 0.5^{\circ}\text{C}$ ), whichever is greater.
  - (3) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.
  - (4) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters which would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.
- (b) Sources subject to the requirements of this section shall maintain the following records:
- (1) A log of the operating time of the facility and the facility's capture system, control device, and monitoring equipment.
  - (2) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the

control device, or the monitoring system.

- (3) The following additional records shall be maintained for facilities using thermal incinerators:
  - (A) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.
  - (B) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature which existed during the most recent compliance test that demonstrated that the facility was in compliance.
- (4) The following additional records shall be maintained for facilities using catalytic incinerators:
  - (A) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.
  - (B) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream which existed during the most recent compliance test that demonstrated that the facility was in compliance.
  - (C) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.
- (5) The following additional records shall be maintained for facilities using carbon adsorbers:
  - (A) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.
  - (B) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.
- (6) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by subsection (a)(4).
- (7) Information requirements in subdivisions (3)(B), (4)(B), (4)(C), and (5)(B) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:
  - (A) The name and location of the facility.
  - (B) Identification of the control system where the excess emission occurred and the facility it served.
  - (C) The time, date, and duration of the exceedence [*sic.*].
  - (D) Corrective action taken.

*(Air Pollution Control Board; 326 IAC 8-7-10; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1229)*

**Rule 8. Municipal Solid Waste Landfills Located in Clark, Floyd, Lake, and Porter Counties**

**326 IAC 8-8-1 Applicability**

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

Sec. 1. The provisions of this rule shall apply to new and existing municipal solid waste (MSW) landfills in Clark, Floyd, Lake, and Porter Counties meeting either of the following requirements:

- (1) MSW landfills emitting greater than fifty-five (55) tons per year of non-methane organic compounds (NMOC).
- (2) MSW landfills with a minimum design capacity of one hundred eleven thousand (111,000) tons (one hundred thousand (100,000) megagrams (Mg)) of solid waste.

*(Air Pollution Control Board; 326 IAC 8-8-1; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1050; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-8-2 Definitions**

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

Sec. 2. (a) For purposes of this rule, the definitions listed in 40 CFR 60, Subpart WWW\*, Sec. 60.751 Standards of

Performance for Municipal Solid Waste Landfills, and in this section shall apply.

(b) "Existing municipal solid waste (MSW) landfill" means an MSW landfill that has accepted waste since November 8, 1987, or that has capacity available for future use and for which construction commenced prior to May 30, 1991. It may be active, either currently accepting waste, or having additional capacity to accept waste, or may be closed, neither any longer accepting waste, nor having available capacity for future waste deposition.

(c) "New MSW landfill" means a landfill for which construction, modification, or reconstruction commences on or after the effective date of this rule.

\*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 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 8-8-2; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1050; filed Sep 8, 1997, 9:40 a.m.: 21 IR 31; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3077*)

### **326 IAC 8-8-3 Requirements; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) The air pollution control board incorporates by reference the following provisions of 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills:

- (1) 40 CFR 60.751 Definitions\*.
- (2) 40 CFR 60.752 Standards for air emissions from MSW landfills\*.
- (3) 40 CFR 60.753 Operational standards for collection and control systems\*.
- (4) 40 CFR 60.754 Test methods and procedures\*.
- (5) 40 CFR 60.755 Compliance provisions\*.
- (6) 40 CFR 60.756 Monitoring operations\*.
- (7) 40 CFR 60.757 Reporting requirements\*.
- (8) 40 CFR 60.758 Record keeping requirements\*.
- (9) 40 CFR 60.759 Specifications for active collection systems\*.

(b) An MSW landfill subject to the requirements of this rule may be subject to permit requirements under 326 IAC 2. An MSW landfill that makes modifications to comply with the requirements of this rule may be subject to permit requirements contained in 329 IAC 10.

\*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 8-8-3; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1050; filed Sep 8, 1997, 9:40 a.m.: 21 IR 31; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3077*)

### **326 IAC 8-8-4 Compliance deadlines**

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

Affected: IC 13-15; IC 13-17

Sec. 4. The landfills meeting the requirements of this rule shall install an air emission collection and control system capable of meeting the emission guidelines established in section 3(a)(2) of this rule no later than May 1, 1996. (*Air Pollution Control Board; 326 IAC 8-8-4; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1051; filed Sep 8, 1997, 9:40 a.m.: 21 IR 31; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **Rule 8.1. Municipal Solid Waste Landfills Not Located in Clark, Floyd, Lake, and Porter Counties**

### **326 IAC 8-8.1-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule shall apply *[sic.]* to any existing municipal solid waste (MSW) landfill located in any county except the following:

- (1) Clark County.
- (2) Floyd County.
- (3) Lake County.
- (4) Porter County.

*(Air Pollution Control Board; 326 IAC 8-8.1-1; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 8-8.1-2 Definitions**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The definitions listed in 40 CFR 60, Subpart WWW, Sec. 60.751 Standards of Performance for Municipal Solid Waste Landfills\*, and this section shall apply throughout this rule.

(b) "Existing municipal solid waste (MSW) landfill" means an MSW landfill that has accepted waste since November 8, 1987, or that has capacity available for future use and for which construction commenced prior to May 30, 1991. It may be active, either currently accepting waste, or having additional capacity to accept waste, or may be closed, neither any longer accepting waste, nor having available capacity for future waste deposition.

\*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 8-8.1-2; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3077)*

**326 IAC 8-8.1-3 Requirements; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17; IC 13-20-21

Sec. 3. (a) The air pollution control board incorporates by reference the following provisions of 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills\*:

- (1) 40 CFR 60.751 Definitions\*.
- (2) 40 CFR 60.752 Standards for air emissions from MSW landfills\*.
- (3) 40 CFR 60.753 Operational standards for collection and control systems\*.
- (4) 40 CFR 60.754 Test methods and procedures\*.
- (5) 40 CFR 60.755 Compliance provisions\*.
- (6) 40 CFR 60.756 Monitoring of operations\*.
- (7) 40 CFR 60.757 Reporting requirements\*.
- (8) 40 CFR 60.758 Record keeping requirements\*.
- (9) 40 CFR 60.759 Specifications for active collection systems\*.

(b) An MSW landfill subject to the requirements of this rule may be subject to permit requirements contained in 326 IAC 2. An MSW landfill that makes modifications to comply with the requirements of this rule may be subject to permit requirements contained in 329 IAC 10.

\*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 8-8.1-3; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078)*

**326 IAC 8-8.1-4 Compliance deadlines**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) The owner or operator of an existing MSW landfill required to install an air emissions collection and control system capable of meeting the emission guidelines established in section 3(a)(2) of this rule shall have the installation completed not later than thirty (30) months after the effective date of this rule.

(b) The owner or operator of an existing MSW landfill meeting the requirements of section 1 of this rule whose nonmethane organic compounds (NMOC) emission rate is less than fifty (50) megagrams per year on the effective date of this rule, shall comply with section 3(a)(2) of this rule not later than thirty (30) months after the date that the landfill's annual NMOC emission rate equals or exceeds fifty (50) megagrams per year. (*Air Pollution Control Board; 326 IAC 8-8.1-4; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 8-8.1-5 Alternative requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) This section applies to a MSW landfill that has been issued a closure certification under 329 IAC 10-22-8 and has an approved post-closure plan under 329 IAC 10-23-3.

(b) An MSW landfill may apply for an alternative compliance option from any requirement of this rule, except the submittal of the initial design capacity report, from the department, provided the following criteria can be demonstrated for each landfill:

- (1) Unreasonable cost of control resulting from landfill age, location, or design.
- (2) Physical impossibility of installing necessary control equipment.
- (3) Other factors specific to the landfill that make application of an alternative control option significantly more reasonable.
- (c) The application must include, at a minimum, the following:

- (1) The current amount of solid waste in place.

- (2) An NMOC emission rate report for the current year and a projected estimate of NMOC emissions for each of the subsequent five (5) years. The NMOC emission rate report shall include all the data, calculations, sample reports, and measurements used to estimate the annual and five (5) year emissions.

- (3) A copy of the certification of closure issued under 329 IAC 10-22-8.

- (4) A copy of the approved post-closure plan issued under 329 IAC 10-23-3.

- (5) A detailed description of the alternative control option or options proposed.

- (6) A discussion on how the criteria listed in subsection (b) is a factor for application of an alternative compliance option.

(d) The application for an alternative compliance option must be submitted to the department within ninety (90) days of the effective date of this rule.

(e) The application for an alternative compliance option must be approved by the department and by U.S. EPA. (*Air Pollution Control Board; 326 IAC 8-8.1-5; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **Rule 9. Volatile Organic Liquid Storage Vessels**

### **326 IAC 8-9-1 Applicability**

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

Affected: IC 13-12

Sec. 1. (a) On and after October 1, 1995, this rule applies to stationary vessels used to store volatile organic liquid (VOL) that are located in Clark, Floyd, Lake, or Porter County.

(b) Stationary vessels with a capacity of less than thirty-nine thousand (39,000) gallons are subject to the reporting and record keeping provisions of section 6(a) and 6(b) of this rule and are exempt from all other provisions of this rule.

(c) Stationary vessels with a capacity equal to or greater than thirty-nine thousand (39,000) gallons that store a VOL with a maximum true vapor pressure equal to or greater than five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia are subject to the provisions of section 6(a), 6(b), 6(g), and 6(h) of this rule and are exempt from all other provisions of this rule. (*Air Pollution Control Board; 326 IAC 8-9-1; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056*)

**326 IAC 8-9-2 Exemptions**

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

Sec. 2. This rule does not apply to the following vessels:

- (1) Vessels at coke oven byproduct plants.
- (2) Pressure vessels designed to operate in excess of twenty-nine and four-tenths (29.4) pounds per square inch absolute and without emissions to the atmosphere.
- (3) Vessels that are permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships.
- (4) Vessels with a design capacity less than or equal to four hundred twenty thousand (420,000) gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.
- (5) Vessels located at bulk gasoline plants.
- (6) Storage vessels located at gasoline service stations.
- (7) Vessels used to store beverage alcohol.
- (8) Stationary vessels that are subject to any provision of 40 CFR 60\*, Subpart Kb, New Source Performance Standard for Volatile Organic Liquid Storage.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056*)

**326 IAC 8-9-3 Definitions**

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

Sec. 3. The following definitions apply throughout this rule:

- (1) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.
- (2) "Custody transfer" means the transfer of produced petroleum and condensate, or both, after processing or treatment, or both, in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.
- (3) "Fill" means the introduction of VOL into a storage vessel but not necessarily to complete capacity.
- (4) "Gasoline service station" means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage vessels.
- (5) "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a volatile organic liquid. The maximum true vapor pressure of VOLs stored at or above the ambient temperature shall correspond to the highest calendar month average storage temperature and shall be determined as follows:

(A) Maximum true vapor pressure for VOLs stored at or above the ambient temperature shall be determined using the following procedures:

- (i) For gasolines and naphtha, either of the following:
  - (AA) Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994\*.
  - (BB) Figure 4.3-6, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985\*.
- (ii) For crude oils, either of the following:
  - (AA) Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994\*.
  - (BB) Figure 4.3-5, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985\*.
- (iii) For VOLs, other than those in item (i) or (ii), procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition,



1970-1971, Chemical Rubber Company\*.

(iv) Maximum true vapor pressure for VOLs stored at or above ambient temperatures shall be determined at the following temperatures:

(AA) In Lake and Porter Counties, seventy-three degrees Fahrenheit (73°F).

(BB) In Clark and Floyd Counties, seventy-seven and seven-tenths degrees Fahrenheit (77.7°F).

(B) Alternatively, the owner or operator or the department and the U.S. EPA may require measurement of vapor pressure. ASTM Method D323-92\* or a method acceptable to the department and U.S. EPA shall be used. If a discrepancy exists between the results obtained from methods in clause (A) and methods used in this clause, the results in this clause shall prevail.

(6) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(7) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(8) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the following methods:

(A) For gasoline, only, ASTM D323-82\*.

(B) For gasoline-ethanol blends, ASTM D-5190\*, ASTM D-5191\*, ASTM 5482\*.

(9) "Vessel" means each tank, reservoir, or container used for the storage of VOLs but does not include either of the following:

(A) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors.

(B) Subsurface caverns or porous rock reservoirs.

(10) "Volatile organic liquid" or "VOL" means any organic liquid that can emit volatile organic compounds (VOCs) into the atmosphere except those VOLs that emit only those compounds that the department has determined do not contribute appreciably to the formation of ozone.

(11) "Waste" means any liquid resulting from industrial, commercial, mining, or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

\*Copies of Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-6, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985; Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-5, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1995; Procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company; ASTM Method D323-92; ASTM D323-82; ASTM D-5190; ASTM D-191; and ASTM 5482 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-3; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata, 19 IR 1372; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045*)

**326 IAC 8-9-4 Standards**

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

Affected: IC 13-12

Sec. 4. (a) The owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to seventy-five hundredths (0.75) pound per square inch absolute (psia) but less than eleven and one-tenth (11.1) psia shall do the following:

(1) On or before May 1, 1996, for each vessel having a permanently affixed roof, install one (1) of the following:

(A) An internal floating roof meeting the standards in subsection (c).

(B) A closed vent system and control device meeting the standards in subsection (d).

(C) An equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(2) For each vessel having an internal floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an internal floating

roof meeting the standards in subsection (c).

(B) On or before May 1, 1996, a closed vent system and control device meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(3) For each vessel having an external floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an external floating roof meeting the standards in subsection (e).

(B) On or before May 1, 1996, a closed vent system meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(4) For each vessel subject to this subsection, the owner or operator described in the report required in section 6(b) of this rule, install one (1) of the following:

(A) Emission control equipment.

(B) A schedule for vessel cleaning and installation of emission control equipment.

(b) On or before May 1, 1996, the owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to eleven and one-tenth (11.1) psia shall equip each vessel with a closed vent system with a control device meeting the standards of subsection (d).

(c) Standards applicable to each internal floating roof are as follows:

(1) The internal floating roof shall float on the liquid surface, but not necessarily in complete contact with it, inside a vessel that has a permanently affixed roof.

(2) The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the vessel is completely emptied or subsequently emptied and refilled.

(3) When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(4) Each internal floating roof shall be equipped with one (1) of the following closure devices between the wall of the vessel and the edge of the internal floating roof:

(A) A foam or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal).

(B) Two (2) seals mounted one (1) above the other so that each forms a continuous closure that completely covers the space between the wall of the vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal that consists of a metal sheet held vertically against the wall of the vessel by springs or weighted levers and that is connected by braces to the floating roof. A flexible coated fabric, or envelope, spans the annular space between the metal sheet and the floating roof.

(5) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents shall provide a projection below the liquid surface.

(6) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid that shall be maintained in a closed position at all times (with no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(7) Automatic bleeder vents shall be equipped with a gasket and shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(8) Rim space vents shall be equipped with a gasket and shall be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(9) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent (90%) of the opening.

(10) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(d) Standards applicable to each closed vent system and control device are as follows:

(1) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the vessel and operated with no detectable emission as indicated by an instrument reading of less than five hundred (500) parts per million (ppm) above background and visual inspections as determined by the methods specified in 40 CFR 60, Subpart VV, 60.485(C)\*.

(2) The control device shall be designed and operated to reduce inlet VOC emissions by ninety-five percent (95%) or greater.

If a flare is used as the control device, it shall meet the specifications described in the general control device requirements in 40 CFR 60.18, General Provisions\*.

(e) Standards applicable to each external floating roof are as follows:

(1) Each external floating roof shall be equipped with a closure device between the wall of the vessel and the roof edge. The closure device shall consist of two (2) seals, one (1) above the other. The lower seal shall be referred to as the primary seal; the upper seal shall be referred to as the secondary seal.

(2) Except as provided in section 5(c)(4) of this rule, the primary seal shall completely cover the annular space between the edge of the floating roof and vessel wall and shall be either a liquid-mounted seal or a shoe seal.

(3) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the vessel in a continuous fashion except as allowed in section 5(c)(4) of this rule.

(4) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface.

(5) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid that shall be maintained in a closed position at all times, without visible gap, except when the device is in actual use.

(6) Automatic bleeder vents shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(7) Rim vents shall be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents shall be gasketed.

(8) Each emergency roof drain shall be provided with a slotted membrane fabric cover that covers at least ninety percent (90%) of the area of the opening.

(9) The roof shall be floating on the liquid at all times, for example, off the roof leg supports, except when the vessel is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

\*Copies of 40 CFR 60, Subpart VV, 60.485(C); and 40 CFR 60.18, General Provisions referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-4; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1057*)

**326 IAC 8-9-5 Testing and procedures**

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

Affected: IC 13-12

Sec. 5. (a) The owner or operator of each vessel subject to section 4(a) of this rule shall meet the requirements of subsection (b), (c), or (d).

(b) On and after May 1, 1996, except as provided in section 4(a)(2) of this rule, the owner or operator of each vessel equipped with an internal floating roof shall meet the following requirements:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal, if one is in service, prior to filling the vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal, if one is in service, through manholes and roof hatches on the fixed roof at least once every twelve (12) months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the vessel from service within forty-five (45) days. If a failure that is detected during inspections required in this section cannot be repaired in forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(c)(3) of this rule. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with both primary and secondary seals:

(A) visually inspect the vessel as specified in subdivision (4), at least every five (5) years; or

(B) visually inspect the vessel as specified in subdivision (2).

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal, if one is in service, gaskets, slotted membranes, and sleeve seals each time the vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent (10%) open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subdivision exist before refilling the vessel with VOL. In no event shall the inspections required by this subsection occur at intervals greater than ten (10) years in the case of vessels conducting the annual visual inspection as specified in subdivisions (2) and (3)(B) and at intervals no greater than five (5) years in the case of vessels specified in subdivision (3)(A).

(5) Notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel for which an inspection is required by subdivisions (1) and (4) to afford the department the opportunity to have an observer present. If the inspection required by subdivision (4) is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(c) On and after May 1, 1996, except as provided in section 4(a)(3) of this rule, the owner or operator of each vessel equipped with an external floating roof shall meet the following requirements:

(1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the vessel and between the secondary seal and the wall of the vessel according to the following frequency:

(A) Measurements of gaps between the vessel wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within sixty (60) days of the initial fill with VOL and at least once every five (5) years thereafter.

(B) Measurements of gaps between the vessel wall and the secondary seal shall be performed within sixty (60) days of the initial fill with VOL and at least once per year thereafter.

(C) If any source ceases to store VOL for a period of one (1) year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for purposes of this subdivision.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one (1) or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the vessel in each place where a one-eighth (1/8) inch diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the vessel and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in clause (B) shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the vessel and compare each ratio to the respective standards in subdivision (4).

(4) Make necessary repairs or empty the vessel within forty-five (45) days of identification of seals not meeting the requirements listed in clauses (A) and (B) as follows:

(A) The accumulated area of gaps between the vessel wall and the mechanical shoe or liquid-mounted primary seal shall not exceed ten (10) square inches per foot of vessel diameter, and the width of any portion of any gap shall not exceed one and five-tenths (1.5) inches. There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(B) The secondary seal shall meet the following requirements:

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in subdivision (2)(C).

(ii) The accumulated area of gaps between the vessel wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed one (1) square inch per foot of vessel diameter, and the width of any portion of any gap shall not exceed five-tenths (0.5) inch. There shall be no gaps between the

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vessel wall and the secondary seal when used in combination with a vapor-mounted primary seal.

(iii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(C) If a failure that is detected during inspections required in subdivision (1) cannot be repaired within forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(d)(3) of this rule. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the department thirty (30) days in advance of any gap measurements required by subdivision (1) to afford the department the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed. For all visual inspections, the following requirements apply:

(A) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this clause exist before filling or refilling the vessel with VOL.

(B) The owner or operator shall notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel to afford the department the opportunity to inspect the vessel prior to the filling. If the inspection required by this subdivision is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(d) The owner or operator of each vessel that is equipped with a closed vent system and control device described in section 4(a)(1)(B), 4(a)(2)(B), or 4(a)(3)(B) of this rule and meeting the requirements of section 4(d) of this rule, other than a flare, shall meet the following requirements:

(1) On or before January 1, 1996, submit to the department an operating plan containing the following information:

(A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation shall include a description of the gas stream that enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapor gases, or liquid other than fuels from sources that are not subject to this rule, the efficiency demonstration shall include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of seventy-five hundredths (0.75) second and a minimum temperature of eight hundred sixteen degrees Centigrade (816°C) is used to meet the ninety-five percent (95%) requirement, documentation that those conditions will exist is sufficient to meet the requirements of this subdivision.

(B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used to monitor the parameter or parameters.

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the department in accordance with subdivision (1) unless the plan was modified by the department during the review process. In this case, the modified plan applies.

(e) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in section 4(a)(4) or 4(d) of this rule shall meet the requirements specified in the general control device requirements in 40 CFR 60.18(e) and 40 CFR 60.18(f)\*.

\*Copies of 40 CFR 60.18(e) and 40 CFR 60.18(f) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059*)

**326 IAC 8-9-6 Record keeping and reporting requirements**

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

Affected: IC 13-12

Sec. 6. (a) The owner or operator of each vessel subject to this rule shall keep all records required by this section for three (3) years unless specified otherwise. Records required by subsection (b) shall be maintained for the life of the vessel.

(b) The owner or operator of each vessel to which section 1 of this rule applies shall maintain a record and submit to the department a report containing the following information for each vessel:

- (1) The vessel identification number.
- (2) The vessel dimensions.
- (3) The vessel capacity.
- (4) A description of the emission control equipment for each vessel described in section 4(a) and 4(b) of this rule, or a schedule for installation of emission control equipment on vessels described in section 4(a) or 4(b) of this rule with a certification that the emission control equipment meets the applicable standards.

(c) The owner or operator of each vessel equipped with a permanently affixed roof and internal floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each inspection performed as required by section 5(b)(1) through 5(b)(4) of this rule. Each record shall identify the following:

- (A) The vessel inspected by identification number.
- (B) The date the vessel was inspected.
- (C) The observed condition of each component of the control equipment, including the following:
  - (i) Seals.
  - (ii) Internal floating roof.
  - (iii) Fittings.

(2) If any of the conditions described in section 5(b)(2) of this rule are detected during the required annual visual inspection, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. Each report shall identify the following:

- (A) The vessel by identification number.
- (B) The nature of the defects.
- (C) The date the vessel was emptied or the nature of and date the repair was made.

(3) After each inspection required by section 5(b)(3) of this rule that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in section 5(b)(3)(B) of this rule, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. The report shall identify the following:

- (A) The vessel by identification number.
- (B) The reason the vessel did not meet the specifications of section 4(a)(1)(A), 4(a)(2)(A), or 5(b) of this rule and list each repair made.

(d) The owner or operator of each vessel equipped with an external floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each gap measurement performed as required by section 5(c) of this rule. Each record shall identify the vessel in which the measurement was made and shall contain the following:

- (A) The date of measurement.
- (B) The raw data obtained in the measurement.
- (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(2) Within sixty (60) days of performing the seal gap measurements required by section 5(c)(1) of this rule, furnish the department with a report that contains the following:

- (A) The date of measurement.
- (B) The raw data obtained in the measurement.
- (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(3) After each seal gap measurement that detects gaps exceeding the limitations specified in section 5(c) of this rule, submit a report to the department within thirty (30) days of the inspection. The report shall identify the vessel and contain the

information specified in subdivision (2) and the date the vessel was emptied or the repairs made and date of repair.

(e) The owner or operator of each vessel equipped with a closed vent system with a control device shall comply with the following record keeping and reporting requirements:

(1) Owner or operators that equip the vessel with a control device other than a flare shall do the following:

(A) On or before January 1, 1996, submit an operating plan as required by section 4(d) of this rule.

(B) Maintain records of the following:

(i) The operating plan.

(ii) Measured values of the parameters monitored according to section 5(d)(2) of this rule.

(2) Owner or operators that equip the vessel with a closed vent system and a flare shall meet the following requirements:

(A) Keep records of all periods of operation during which the flare pilot flame is absent.

(B) Furnish the department with a report containing the measurements required by 40 CFR 60.18(f)(1) through 40 CFR 60.18(f)(5)\* as required by 40 CFR 60.8. This report shall be submitted within six (6) months of the initial start-up date.

(C) Furnish the department with a semiannual report of all periods recorded under 40 CFR 60.115\* in which the pilot flame was absent.

(f) The owner or operator of each vessel equipped with a closed vent system and control device meeting the standards of section 4 of this rule is exempt from the requirements of subsections (g) and (h).

(g) Except as provided in subsections (f) and (j), the owner or operator of each vessel either with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a VOL with a maximum true vapor pressure greater than or equal to five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia shall maintain a record of the maximum true vapor pressure of the VOL stored in each vessel. The record for each vessel shall contain the following information:

(1) The type of VOL stored.

(2) The dates of the VOL storage.

(3) For each day of VOL storage, the average stored temperature for VOLs stored above or below the ambient temperature or average ambient temperature for VOLs stored at ambient temperature, and the corresponding maximum true vapor pressure.

(h) Except as provided in subsection (f), the owner or operator of each vessel with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a liquid with a maximum true vapor pressure that is normally less than seventy-five hundredths (0.75) psia shall maintain a record and notify the department within thirty (30) days when the maximum true vapor pressure of the liquid exceeds seventy-five hundredths (0.75) psia.

(i) Available data on the storage temperature may be used to determine the maximum true vapor pressure as follows:

(1) The maximum true vapor pressure for VOLs stored at temperatures above or below the ambient temperature shall correspond to the highest calendar-month average storage temperature. The maximum true vapor pressure for VOLs stored at the ambient temperature shall correspond to the local maximum monthly average temperature, as reported by the National Weather Service.

(2) For local crude oil or refined petroleum products, the maximum vapor pressure may be determined as follows:

(A) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517\* unless the department specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the samples.

(B) The maximum true vapor pressure of each type of crude oil with a Reid vapor pressure less than two (2) pounds per square inch or with physical properties that preclude determination by the recommended method shall be determined from available data and recorded if the estimated maximum true vapor pressure is greater than five-tenths (0.5) psia.

(3) For other liquids, the maximum true vapor pressure may be determined by any of the following methods:

(A) Standard reference texts.

(B) ASTM Method D2879-92\*.

(C) Calculated or measured by a method approved by the department.

(j) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (i).

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in section 4(a) of this rule, tests are required as follows:

- (A) An initial physical test of the vapor pressure is required.
- (B) A physical test at least once every six (6) months thereafter is required using one (1) of the following methods:
  - (i) ASTM Method D2879-92\*.
  - (ii) ASTM Method D323-82\*.
  - (iii) As measured by an appropriate method as approved by the department.

\*Copies of the Code of Federal Regulations (CFR), ASTM Method D2879-92, ASTM Method D2879-92, ASTM Method D323-82, and API Bulletin 2517 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-6; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1061; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045*)

## **Rule 10. Automobile Refinishing**

### **326 IAC 8-10-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) All sections of this rule apply to any person who:

- (1) sells, offers for sale, or manufactures for sale in Clark, Floyd, Lake, or Porter County refinishing coatings; or
- (2) owns, leases, operates, or controls a facility, as defined in 326 IAC 1-2-27, that refinishes motor vehicles or mobile equipment, as defined in section 2(31) and 2(30) of this rule, in Clark, Floyd, Lake, or Porter County.

(b) The following activities are exempt from this rule:

- (1) Application of aerosol coating products.
- (2) Graphic design application.
- (3) Touch-up coating application.

(c) This rule does not apply to individuals who own, lease, operate, or control a facility, as defined in 326 IAC 1-2-27, that refinishes three (3) or fewer motor vehicles per calendar year.

(d) The exemption provided by 326 IAC 8-2-9(b)(4) shall not apply to any facility subject to this rule.

(e) Sections 2 and 3(e) of this rule apply to any person who owns, leases, operates, or controls a facility, as defined in 326 IAC 1-2-27, that refinishes motor vehicles or mobile equipment, as defined in section 2(31) and 2(30) of this rule, in Vanderburgh County. (*Air Pollution Control Board; 326 IAC 8-10-1; filed Oct 3, 1995, 3:00 p.m.: 19 IR 194; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4518; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2856*)

### **326 IAC 8-10-2 Definitions**

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

Affected: IC 13-12

Sec. 2. The following definitions shall apply throughout this rule:

(1) "Adhesion promoter" means a coating used to promote adhesion of a topcoat on surfaces such as trim moldings, door locks, and door sills, or any coating which provides adhesion to plastic substrates, where sanding is impracticable. This definition excludes primers, primer sealers, primer surfacers, and topcoats.

(2) "Aerosol coating products" means a mixture of resins, pigments, liquid solvents, and gaseous propellants packaged in a disposable can for hand-held application.

(3) "Anti-glare/safety coating" means a low gloss coating formulated to eliminate or reduce glare for safety purposes on interior surfaces of a vehicle, as specified under the United States Department of Transportation Motor Vehicle Safety Standards.

(4) "Application station" means the part of an automobile refinishing facility where coatings are applied.

(5) "Automobile refinishing" means refinishing operations for after-market motor vehicles or mobile equipment performed in auto body and repair shops, production paint shops, new car dealer repair and paint shops, fleet operation repair and paint shops, and any other facility which coats vehicles under the Standard Industrial Classification (SIC) code 7532 (top, body, and upholstery repair shops and paint shops), including dealer repair of vehicles damaged in transit.



- (6) “Basecoat” means a pigmented topcoat which is the first topcoat applied as part of a multistage topcoat system.
- (7) “Basecoat/clearcoat system” means a topcoat system composed of a pigmented basecoat portion and a transparent clearcoat portion. The volatile organic compound (VOC) content of a basecoat/clearcoat system shall be calculated according to the following formula:

$$\text{VOC}_{\text{Tbc/cc}} = \frac{\text{VOC}_{\text{bc}} + 2\text{VOC}_{\text{cc}}}{3}$$

Where:  $\text{VOC}_{\text{Tbc/cc}}$  = VOC content as applied of the basecoat (bc) and clearcoat (cc) systems.

$\text{VOC}_{\text{bc}}$  = VOC content as applied of any given basecoat.

$\text{VOC}_{\text{cc}}$  = VOC content as applied of any given clearcoat.

- (8) “Capture device” means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.
- (9) “Capture efficiency” means the fraction of all VOC applied that is directed to a control device.
- (10) “Catalyst” means a substance whose presence enhances the reaction between chemical compounds.
- (11) “Clearcoat” means a topcoat which contains no pigments or only transparent pigments and which is the final topcoat applied as a part of a multistage topcoat system.
- (12) “Coating” means a protective, decorative, or functional material with VOC content greater than zero (0) used in automobile refinishing operations.
- (13) “Color match” means the ability of a repair coating to blend in an existing coating so that color difference is not visible.
- (14) “Container” means a vessel or tank used to store coatings, surface preparation products, solvents, or waste.
- (15) “Control device” means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, incinerators or carbon adsorbers.
- (16) “Control device efficiency” means the ratio of the pollution destroyed or secured by a control device and the pollution introduced to the control device, expressed as a fraction.
- (17) “Control system” means the combination of capture and control devices used to reduce emissions to the atmosphere.
- (18) “Disposed offsite” means sending outside of the refinishing facility, the used coatings, surface preparation products, solvents, or wastes.
- (19) “Elastomeric materials” means topcoats and primers that are specifically formulated for application over flexible parts such as filler panels and elastomeric bumpers.
- (20) “Electrostatic application” means the application to a substrate of charged atomized paint droplets which are deposited by electrostatic attraction.
- (21) “Equipment” means devices that are used to transfer or apply coating, surface preparation product, or solvent, such as, but not limited to, spray guns and brushes or nonrefillable aerosol cans.
- (22) “Exempt compounds” means a nonphotochemically reactive hydrocarbon as defined in 326 IAC 1-2-48.
- (23) “Gloss flatteners” means coatings that are formulated to provide low gloss to match original equipment manufacturer’s (OEM) specifications.
- (24) “Graphic design application” means the application of logos, letters, numbers, and graphics to a painted surface, with or without the use of a template.
- (25) “Ground support” means vehicles used in support of aircraft activities at airports.
- (26) “Hardener” means an additive designed to promote a faster cure of coatings which cure by cross-linking of the resin components.
- (27) “High-volume, low-pressure (HVLP) spray” means technology used to apply coating to a substrate by means of coating application equipment which operates between one-tenth (0.1) and ten (10) pounds per square inch gauge (psig) air pressure measured dynamically at the center of the air cap and at the air horns of the spray system.
- (28) “Material safety data sheet” or “MSDS” means the chemical, physical, technical, and safety information document supplied by the manufacturer of the coating, solvent, or other chemical product, usually through the distribution network or retailers.
- (29) “Midcoat” means a semitransparent topcoat which is the middle topcoat applied as part of a three (3) stage topcoat system.
- (30) “Mobile equipment” means any equipment which may be driven or drawn on a roadway, including, but not limited to,

the following:

- (A) Truck bodies.
  - (B) Truck trailers.
  - (C) Cargo vaults.
  - (D) Utility bodies.
  - (E) Camper shells.
  - (F) Construction equipment such as mobile cranes, bulldozers, and concrete mixers.
  - (G) Farming equipment such as tractors, plows, and pesticide sprayers.
  - (H) Miscellaneous equipment such as street cleaners, golf carts, ground support vehicles, tow motors, and fork lifts.
- (31) "Motor vehicles" means the following:
- (A) Automobiles.
  - (B) Buses.
  - (C) Trucks.
  - (D) Vans.
  - (E) Motor homes.
  - (F) Recreational vehicles.
  - (G) Motorcycles.
- (32) "Multicolor coating" means a topcoat which is a coating that exhibits more than one (1) color when applied, and which is packaged in a single container and applied in a single coat.
- (33) "Multistage topcoat system" means any basecoat/clearcoat topcoat system or any three (3) stage topcoat system, manufactured as a system, and used as specified by the manufacturer.
- (34) "Overall control efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.
- (35) "Precoat" means any coating which is applied to bare metal primarily to deactivate the metal surface to provide corrosion resistance against a subsequent water-based primer.
- (36) "Pretreatment wash primer" means the first coat applied to bare metal if solvent-based primers will be applied. This coating:
- (A) contains a minimum of five-tenths percent (0.5%) acid by weight;
  - (B) is necessary to provide surface etching; and
  - (C) is applied directly to bare metal surfaces to provide corrosion resistance.
- (37) "Primer" means any coating applied to a substrate prior to the application of a topcoat for the purpose of providing corrosion resistance, adhesion of subsequent coatings, or color uniformity.
- (38) "Primer sealer" means any coating applied to a substrate prior to the application of a topcoat to:
- (A) provide corrosion resistance, adhesion of the topcoat, and color uniformity; and
  - (B) promote the ability of an undercoat to resist penetration by the topcoat.
- (39) "Primer surfacer" means any coating applied to a substrate prior to the application of a topcoat to:
- (A) provide corrosion resistance and adhesion of the topcoat; and
  - (B) promote a uniform surface by filling in surface imperfections.
- (40) "Reducer" means the solvent added to dilute a coating, usually for the purpose of lowering the viscosity of a coating.
- (41) "Refinishing" means any coating of motor vehicles, parts, and components or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original coating applied at an original equipment manufacturing (OEM) plant coating assembly line.
- (42) "Refinishing job" means for each motor vehicle or piece of mobile equipment any or all of the following:
- (A) Surface preparation.
  - (B) Primer application.
  - (C) Primer surfacer application.
  - (D) Primer sealer application.
  - (E) Topcoat application.
- (43) "Repair coating" means a coating that is used in the repair of a motor vehicle or mobile equipment.
- (44) "Reused on site" means the reuse of a coating, surface preparation product, or solvent in the refinishing facility.
- (45) "Specialty coatings" means coatings which are necessary due to unusual and uncommon job performance requirements,

including, but not limited to, the following:

- (A) Weld-through primers.
- (B) Adhesion promoters.
- (C) Uniform finish blenders.
- (D) Elastomeric materials.
- (E) Gloss flatteners.
- (F) Bright metal trim repair.
- (G) Anti-glare/safety coatings.
- (H) Multicolor coatings.

(46) "Solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning application stations, equipment, or containers.

(47) "Spot repairs" means repairs to motor vehicles in which the damaged area to be repaired is limited to only a portion of any given panel so that an entire panel need not be repaired.

(48) "Substrate" means the surface onto which coatings or surface preparation products are applied.

(49) "Surface preparation products" means products with VOC content greater than zero (0) used to remove wax, tar, grease, and other undesirable contaminants from the surface to be refinished.

(50) "Three (3) or four (4) stage topcoat system" means a topcoat system composed of a pigmented basecoat portion, a semitransparent midcoat portion, and a transparent clearcoat portion. The VOC content of a three (3) stage coating system shall be calculated according to the following formula:

$$\text{VOC}_{\text{T3-stage}} = \frac{\text{VOC}_{\text{bc}} + \text{VOC}_{\text{mc}} + 2\text{VOC}_{\text{cc}}}{4}$$

Where:  $\text{VOC}_{\text{T3-stage}}$  = VOC content as applied of the three (3) stage coating system.

$\text{VOC}_{\text{bc}}$  = VOC content as applied of any given basecoat.

$\text{VOC}_{\text{mc}}$  = VOC content as applied of any given midcoat.

$\text{VOC}_{\text{cc}}$  = VOC content as applied of any given clearcoat.

The VOC content of a four (4) stage system shall be calculated using the same formula specified for the three (3) stage coating system except that there would be an additional coating in the numerator, and the denominator would be five (5).

(51) "Topcoat" means the final film or series of films of coating applied to a substrate for the purpose of protection or appearance.

(52) "Touch-up coating" means a coating applied by brush or hand-held, nonrefillable aerosol cans to repair minor surface damage and imperfections.

(53) "Uniform finish blenders" means coatings that are utilized to ensure that the coatings applied during the refinishing of a vehicle imperceptibly blend in with the undamaged finish of repaired and undamaged portions of the vehicle.

(54) "VOC content" of coating or surface preparation products means the weight of VOC, less water, and less exempt solvent, per unit volume, of coating or surface preparation product.

(55) "VOC content as applied" of coatings or surface preparation products means the VOC content of the coating or surface preparation product, as applied to the substrate.

(56) "VOC content as supplied" means the VOC content of coating or surface preparation products, sold and delivered by the manufacturer to the user.

(57) "Weld-through primer" means primers that have the characteristics of withstanding high temperatures associated with welding, without catching fire.

*(Air Pollution Control Board; 326 IAC 8-10-2; filed Oct 3, 1995, 3:00 p.m.: 19 IR 194; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674)*

### 326 IAC 8-10-3 Requirements

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

Affected: IC 13-12

Sec. 3. (a) On and after November 1, 1995, each manufacturer or distributor of coatings or surface preparation products manufactured or distributed for use in Clark, Floyd, Lake, or Porter County shall comply with the following:

(1) Except as provided in section 4(a)(2) of this rule, the volatile organic compound (VOC) content limits listed in section 4(b)

of this rule.

(2) The compliance procedures outlined in section 6(a) of this rule.

(b) On and after February 1, 1996, any person commercially providing refinishing coatings or surface preparation products for use in Clark, Floyd, Lake, or Porter County which were manufactured after November 1, 1995, shall comply with the following:

(1) Except as provided in section 4(a)(2) of this rule, the VOC content limits listed in section 4(b) of this rule.

(2) The compliance procedures outlined in section 6(b) of this rule.

(c) On and after May 1, 1996, any person applying any coating or surface preparation product in Clark, Floyd, Lake, or Porter County shall comply with the following:

(1) The provisions of section 4(a) of this rule.

(2) The work practice standards of section 5 of this rule.

(3) The compliance procedures outlined in section 6(c) of this rule.

(4) The test procedures in section 7 of this rule.

(5) The control system operation, maintenance, and monitoring provisions in section 8 of this rule.

(6) The record keeping and reporting provisions in section 9 of this rule.

(d) On and after May 1, 1996, no person shall solicit or require any refinishing facility to use a refinishing coating or surface preparation product that does not comply with the VOC content limits listed in section 4(b) of this rule unless that facility complies with section 4(a)(2) or 4(a)(3) of this rule.

(e) On and after May 1, 1999, any person applying any coating or surface preparation product in Vanderburgh County shall comply with the following:

(1) The following requirements:

(A) Section 5(b) of this rule.

(B) Section 5(c)(5) through 5(c)(7) of this rule.

(C) Section 5(d)(1)(C) and 5(d)(1)(E) of this rule.

(D) Section 5(d)(2) through 5(d)(4) of this rule. The requirement to provide refresher training under section 5(d)(2) of this rule shall begin no later than July 1, 1999.

(2) On or before May 1, 1999, the owner or operator of a refinishing facility that is subject to this rule and is located in Vanderburgh County shall submit to the agency a statement signed by a responsible official of the facility, certifying that the facility will continuously comply with all the applicable requirements of this rule. The statement is a record to be kept in accordance with section 9(d) of this rule.

(3) The record keeping and reporting provisions in the following:

(A) Section 9(c)(1) of this rule.

(B) Section 9(c)(3) of this rule.

(C) Section 9(d) through 9(e) of this rule.

*(Air Pollution Control Board; 326 IAC 8-10-3; filed Oct 3, 1995, 3:00 p.m.: 19 IR 197; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2856)*

**326 IAC 8-10-4 Means to limit volatile organic compound emissions**

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

Affected: IC 13-12

Sec. 4. (a) On and after May 1, 1996, the owner or operator of a refinishing facility subject to this rule shall limit emissions of volatile organic compounds (VOCs) from refinishing operations by one (1) of the following means:

(1) By using coatings or surface preparation products that meet the VOC content limits established in subsection (b).

(2) By employing a control system meeting the requirements of subsection (c).

(3) By using a combination of coatings as specified in subsection (b) and control system measures identified in subsection (c).

(b) Compliance with the VOC limits shall be based on the VOC content on an as-applied basis. The VOC content shall not exceed the following limits:

Coating Category	VOC Limit	
	<u>grams</u> liter	<u>lbs</u> gallon
Pretreatment wash primer	780	6.5
Precoat	660	5.5

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Primer/primer surfacer	576	4.8
Primer sealer	552	4.6
Topcoat		
Single and two stage	600	5.0
Three and four stage	624	5.2
Specialty	840	7.0

For surface preparation products:

Type of Substrate	VOC Limit	
	<u>grams</u>	<u>lbs</u>
	liter	gallon
Plastic	780	6.5
Other	168	1.4

(c) A control system used to comply with the VOC emission requirements of this rule shall achieve an overall control efficiency of at least eighty-one percent (81%). An owner or operator complying with the VOC emission reduction requirements of this rule by means of a control system shall do the following:

- (1) On or before May 1, 1996, demonstrate initial compliance with the emission limit by performing an emission test that demonstrates compliance according to procedures in section 7 of this rule.
- (2) On or before July 31, 1996, submit to the department the results of the initial compliance test according to procedures in section 7 of this rule.
- (3) Depending on the type of control device installed, choose an appropriate operating parameter according to procedures in section 8(b) of this rule.
- (4) Calculate the site-specific operating parameter value, as an arithmetic average of the minimum or maximum values of the operating parameter as appropriate, that demonstrates initial compliance with the emission limit.
- (5) On and after May 1, 1996, demonstrate continuous compliance with the emission limits in this section by ensuring that during the refinishing operation, the value of the operating parameter, as determined during the initial compliance test or subsequent compliance test, is within the range specified in the applicable subdivision of section 9(b) of this rule.

(d) Application of all specialty coatings except anti-glare/safety coatings shall not exceed five percent (5%) by volume of all coatings applied on a monthly basis. (*Air Pollution Control Board; 326 IAC 8-10-4; filed Oct 3, 1995, 3:00 p.m.: 19 IR 197*)

**326 IAC 8-10-5 Work practice standards**

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

Affected: IC 13-12

Sec. 5. (a) On and after May 1, 1996, the owner or operator of a refinishing facility subject to this rule shall ensure that spray guns are cleaned in an enclosed device that:

- (1) is closed during spray gun equipment cleaning operations except when depositing and removing objects to be cleaned;
- (2) is closed during noncleaning operations with the exception of the maintenance and repair of the cleaning device itself; and
- (3) recirculates cleaning solvent during the cleaning operation so that the solvent is available for reuse onsite or for disposal offsite.

The cleaning device shall be operated and maintained according to the manufacturer's recommendations. The owner or operator of the refinishing facility shall have the cleaning device manufacturer's recommendations available for inspection upon request by the department or the U.S. EPA.

(b) On and after May 1, 1996, the owner or operator of a refinishing facility subject to this rule shall use one (1) or a combination of the following equipment for coating application:

- (1) Electrostatic equipment.
- (2) High volume low pressure (HVLP) spray equipment.
- (3) Any other coating application equipment that has been demonstrated, by the owner or operator, to the satisfaction of the department to be capable of achieving at least sixty-five percent (65%) transfer efficiency. The owner or operator must submit sufficient data for the department to be able to determine the accuracy of the transfer efficiency claims.

Coating application equipment shall be operated and maintained according to the manufacturer's recommendations. The owner or operator shall have the manufacturer's recommendations available for inspection upon request by the department or the U.S. EPA.

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(c) On and after May 1, 1996, the owner or operator of a refinishing facility subject to this rule shall implement housekeeping practices, which include the following:

- (1) All paper or cloth used for activities such as surface preparation and surface cleanup shall be stored in closed containers until disposed of offsite. The containers shall remain closed unless being filled or emptied.
- (2) All fresh or used solvent shall be stored in closed containers.
- (3) Storage containers and equipment shall be free from cracks, holes, and leaks.
- (4) Waste coatings, spray booth filters, and used automotive fluids shall be stored in closed containers.
- (5) Equipment cleanup shall be performed with methods that minimize the use of solvents. Reasonable efforts shall be made to reclaim the bulk of used solvents. No cleaning shall be performed by direct spraying of solvents into the atmosphere.
- (6) Effort shall be made to schedule operations of a similar nature to significantly reduce total volatile organic compound material consumption.

(7) Coatings or surface preparation products shall be applied in a manner that minimizes overspray.

(d) The owner or operator of a refinishing facility shall comply with the training requirements of this rule as follows:

(1) On or before May 1, 1996, develop a written training program. The training program may include training provided by the manufacturer or supplier and shall include written procedures and hands-on demonstration, as appropriate, on the following topics:

- (A) Identification of appropriate coatings or surface preparation products.
- (B) Preparation of coatings or surface preparation products according to coating manufacturer, distributor, or owner or operator's recommendations.
- (C) Application of coatings or surface preparation products or organic solvents using techniques that minimize their usage.
- (D) Operation and maintenance of spray gun cleaning equipment to minimize evaporation of organic solvents to the atmosphere.
- (E) Work practice standards established in subsection (c).
- (F) Procedures to gather, record, monitor, and report data in accordance with section 9 of this rule.

(2) Beginning in 1997, provide annual refresher training prior to May 1, to any employee performing one (1) or more of the activities listed in subdivision (1). Such training shall be appropriate to the job responsibilities of the employee.

(3) Any person may perform one (1) or more activity [*sic., activities*] addressed in subdivision (1), for not more than one hundred eighty (180) days, notwithstanding the requirement of subdivision (2), provided each of the following:

- (A) Such untrained person works under the supervision of a person who meets the training requirements of subdivision (2).
- (B) The owner or operator keeps the following records:
  - (i) The date the person was assigned to the activity.
  - (ii) The date training was completed.
  - (iii) The name of the person providing the supervision.

(4) The owner or operator of the refinishing operation shall keep records of the training program. The records shall consist of the following:

- (A) The date training was completed.
- (B) A list of persons, by name and activity and the topics in which they have been trained.
- (C) A statement signed by the trainer certifying each trainee who satisfactorily has completed training in the topics and is proficient in the procedures specified in subdivision (1).

*(Air Pollution Control Board; 326 IAC 8-10-5; filed Oct 3, 1995, 3:00 p.m.: 19 IR 198; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4518)*

**326 IAC 8-10-6 Compliance procedures**

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

Affected: IC 13-12

Sec. 6. (a) On and after November 1, 1995, each manufacturer of coatings or surface preparation products who supplies coatings or surface preparation products to a distributor, retailer, or owner or operator of a refinishing facility in Clark, Floyd, Lake, or Porter County shall, for each coating or surface preparation product supplied, keep records of and provide the owner or operator of a refinishing facility with a written record or document containing the following coating or surface preparation product information:

- (1) Product description.
- (2) Date of manufacture, date code, or batch number.
- (3) Thinning instructions.
- (4) The volatile organic compound (VOC) content in grams per liter and pounds per gallon as packaged or as supplied:
  - (A) for single coat products, the VOC as applied after any thinning recommended by the manufacturer; or
  - (B) for multistage systems in which the VOC as applied is dependent upon the VOC content of a combination of products with varying VOC levels, provide one (1) of the following:
    - (i) A list of the maximum allowable packaged VOC for the individual layers.
    - (ii) A comprehensive chart of color combinations and the as-applied VOC content.
    - (iii) A simple to use formula or grid for the end user to calculate the as-applied VOC content of their multistage system.
- (5) A statement that the coating is, or is not, in compliance with the VOC limits in section 4(b) of this rule, and that, if the coating is not in compliance, this rule prohibits its application at an automobile refinishing facility that does not control VOC emissions with the application of a control system.
- (6) The name, address, telephone number, and signature of the person purchasing the product.
- (b) On and after February 1, 1996, any person who is engaged in commercially providing coating or surface preparation products in Lake, Porter, Clark, or Floyd County shall provide to the recipient and shall keep the following records of all coatings or surface preparation products supplied in those counties. The records shall include the following:
  - (1) The product description.
  - (2) The amount supplied.
  - (3) The date supplied, date code, or batch number.
  - (4) The volatile organic compound (VOC) content in grams per liter and pounds per gallon, as as *[sic.]* packaged or as supplied:
    - (A) for single coat products, the VOC as applied after any thinning recommended by the manufacturer; or
    - (B) for multistage systems in which the VOC as applied is dependent upon the VOC content of a combination of products with varying VOC levels, provide one (1) of the following:
      - (i) A list of the maximum allowable packaged VOC for the individual layers.
      - (ii) A comprehensive chart of color combinations and their as-applied VOC content.
      - (iii) A simple to use formula or grid for the end user to calculate the as-applied VOC content of their multistage system.
  - (5) The name, address, telephone number, and signature of the person purchasing the product.
  - (c) On or before May 1, 1996, the owner or operator of a refinishing facility subject to this rule shall submit to the department a statement signed by a responsible official of the facility, certifying that the facility has acquired and will continuously employ coating or surface preparation products meeting the VOC limits of section 4(b) of this rule or that an add-on control system meeting the requirements of section 4(c) of this rule has been installed, including a description of the control system. (*Air Pollution Control Board; 326 IAC 8-10-6; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4519*)

**326 IAC 8-10-7 Test procedures**

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

Affected: IC 13-12

Sec. 7. (a) Owners or operators of refinishing facilities subject to this rule shall be subject to the applicable test method and requirements of 326 IAC 8-1-4 and 40 CFR 60, Appendix A\*.

(b) Owners or operators may use data provided with coatings or surface preparation products formulation information such as the container label, the product data sheet, and the MSDS sheet in order to comply with sections 4 and 9(a) of this rule. The department and U.S. EPA may require VOC content determination and verification of any coating or surface preparation product using EPA Method 24\*. In the event of any inconsistency between Method 24 and formulation data, Method 24 shall govern.

(c) An owner or operator of a refinishing facility electing to meet the emission limit requirements of section 4(c) of this rule using a control device or devices shall test the control system according to the following schedule and under the following situations:

- (1) An initial compliance test shall be conducted on or before May 1, 1996, and every two (2) years after the date of the initial compliance test.

(2) A compliance test shall be conducted whenever the owner or operator operates the control system under conditions different from those which were in place at the time of the previous compliance test.

(3) A compliance test shall be performed within ninety (90) days of the startup of a new facility or within thirty (30) days of a written request by the department or the U.S. EPA.

(4) All compliance tests shall be conducted according to a protocol developed by the owner or operator of the facility according to procedures in 326 IAC 3-2.1-2 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.]. The results of the tests shall be submitted to the department according to procedures in 326 IAC 3-2.1-4 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.].

\*Copies of U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60), Appendix A\* may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced material are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-10-7; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674*)

### **326 IAC 8-10-8 Control system operation, maintenance, and monitoring**

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

Affected: IC 13-12

Sec. 8. (a) The following requirements apply to sources that meet the emission limit requirements of section 4 of this rule at a facility by using a control device or devices as provided in section 4(a)(2) and 4(a)(3) of this rule:

(1) The control system shall be operated and maintained according to the manufacturer's specifications and instructions.

(2) The operation of the control system may be modified upon the written request of the department or the U.S. EPA based on the results of the initial or subsequent compliance test.

(3) The operating and maintenance procedures applicable to the control system shall be followed beginning no later than May 1, 1996.

(4) A copy of the operating and maintenance procedures shall be maintained at the source property and as close to the control system as possible for the reference of plant personnel and department inspectors.

(b) Owners or operators choosing to meet the emission limit requirements of section 4 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate the monitoring equipment as follows:

(1) If a thermal incinerator is used for VOC reduction, combustion temperature shall be the operating parameter. A temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees Centigrade or plus or minus five-tenths (0.5) degree Centigrade, whichever is greater.

(2) If a catalytic incinerator with a fixed catalyst bed is used for VOC reduction, gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter. A temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees Centigrade or plus or minus five-tenths (0.5) degree Centigrade, whichever is greater.

(3) If a carbon adsorber is used to remove and recover VOC from the gas stream, concentration level of VOC at the outlet of the carbon bed shall be the operating parameter. A VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(4) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters which would indicate proper operation and maintenance of the control device. The department may request further information and may specify appropriate monitoring procedures and reporting requirements.

(*Air Pollution Control Board; 326 IAC 8-10-8; filed Oct 3, 1995, 3:00 p.m.: 19 IR 200*)

### **326 IAC 8-10-9 Record keeping and reporting**

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

Affected: IC 13-12



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AIR POLLUTION CONTROL BOARD

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Sec. 9. (a) Owners or operators of refinishing facilities subject to the provisions of section 4(b) of this rule shall keep records of the following:

- (1) For each batch of coating mixed or refinishing job performed, the following information:
  - (A) Batch or job identification number or name.
  - (B) Date batch made or job performed.
  - (C) Coating category, consistent with the coating categories in section 4(b) of this rule.
  - (D) Coating manufacturer's name and identification number.
  - (E) Either the quantity used in making the mix or the mix ratio used.
  - (F) VOC content as supplied or packaged.
  - (G) Manufacturer's name and identification number of added components, such as catalysts, reducers, and hardeners.
  - (H) Either the quantity of components added or the mix ratio used.
- (2) For each surface preparation product used, the following information:
  - (A) Manufacturer's name and identification number.
  - (B) Substrate to which the product is applied.
  - (C) VOC content as supplied per calendar month for:
    - (i) number of containers used; and
    - (ii) volume of each container in suitable units, such as quarts, gallons, pints, other similar units, and the ratio of components added.

(3) Owners or operators shall maintain documents such as MSDS, or product or other data sheets for a period of three (3) years following use of the product. MSDS or product or other data sheets may be used by the U.S. EPA or the department to verify the VOC content, as supplied, provided by the coating manufacturer, distributor, or supplier, of the coatings or surface preparation products.

(4) Except when complying with section 4(a)(2) or 4(a)(3) of this rule, owners or operators shall report within thirty (30) days to the department any incidence in which noncompliant coating was used, the reasons for use of the noncompliant coating, and corrective actions taken.

(b) Owners or operators choosing to meet the emission limit requirements of section 4 of this rule with the use of a control device or devices shall maintain the following records:

- (1) A log of the operating time of the facility and the facility's capture system, control device, and monitoring equipment.
- (2) A maintenance log for the control system and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(3) The following additional records shall be maintained for facilities using thermal incinerators:

- (A) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.
- (B) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty (50) degrees Fahrenheit below the combustion zone temperature which existed during the most recent compliance test that demonstrated that the facility was in compliance.

(4) The following additional records shall be maintained for facilities using catalytic incinerators:

- (A) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.
- (B) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty (50) degrees Fahrenheit below the average temperature of the process vent stream which existed during the most recent compliance test that demonstrated that the facility was in compliance.
- (C) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(5) The following additional records shall be maintained for facilities using carbon adsorbers:

- (A) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.
- (B) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon

adsorber that demonstrated that the facility was in compliance.

(6) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by section 8(b)(4) of this rule.

(7) Information requirements in subdivisions (2), (3)(B), (4)(B), (4)(C), and (5)(B) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(A) The name and location of the facility.

(B) Identification of the control system where the excess emission occurred and the facility it served.

(C) The time, date, and duration of the exceedance.

(D) Corrective action taken.

(c) Owners or operators of refinishing facilities affected by this rule shall maintain the following records:

(1) Records of training programs as required in section 5(d) of this rule.

(2) Initial compliance statements as required in section 6(c) of this rule.

(3) Records as required in this section.

(d) Owners or operators of refinishing facilities affected by this rule shall maintain all records for a minimum of three (3) years and shall make records available to the department and the U.S. EPA upon request.

(e) Failure to maintain records required by subsections (a) through (c) shall constitute a violation of this rule for each day records are not maintained. (*Air Pollution Control Board; 326 IAC 8-10-9; filed Oct 3, 1995, 3:00 p.m.: 19 IR 200; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4520*)

## **Rule 11. Wood Furniture Coatings**

### **326 IAC 8-11-1 Applicability**

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

Affected: IC 13-12

Sec. 1. This rule applies to any person performing wood furniture manufacturing operations in Lake, Porter, Clark, or Floyd County meeting the following criteria:

(1) The wood furniture manufacturing operations have potential emissions of volatile organic compounds (VOCs) of twenty-five (25) tons or more per year.

(2) The wood furniture manufacturing operations occur at a source classified by any of the following Standard Industrial Classification (SIC) codes:

(A) SIC code 2434: wood cabinets (kitchen, bath and vanity).

(B) SIC code 2511: wood household furniture, including tables, beds, chairs, sofas (nonupholstered).

(C) SIC code 2512: wood household furniture (upholstered).

(D) SIC code 2517: wood television, radios, phonographs, and sewing machine cabinets.

(E) SIC code 2519: household furniture, not elsewhere classified.

(F) SIC code 2521: wood office furniture.

(G) SIC code 2531: public building and related furniture.

(H) SIC code 2541: wood office and store fixtures, partitions, shelving, and lockers.

(I) SIC code 2599: furniture and fixtures and any other coated furnishings made of solid wood, wood composition, or simulated wood material not elsewhere classified.

(*Air Pollution Control Board; 326 IAC 8-11-1; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1063*)

### **326 IAC 8-11-2 Definitions**

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

Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

(1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.

(2) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent

method but that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to, in specific cases, produce results adequate for a determination of compliance.

(3) "As-applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

(4) "Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.

(5) "Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct. The pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.

(6) "Capture efficiency" means the fraction of all organic vapors generated by a process that are directed to and captured by a control device.

(7) "Cleaning operations" means operations that use an organic solvent to remove coating materials from equipment used in wood furniture manufacturing operations.

(8) "Commissioner" means the commissioner of the Indiana department of environmental management, or the commissioner's duly authorized representative.

(9) "Continuous coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.

(10) "Control device" means any equipment, including, but not limited to, incinerators, carbon adsorbers, and condensers, that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery.

(11) "Conventional air spray" means a spray coating method that atomizes the coating by mixing it with compressed air at an air pressure greater than ten (10) pounds per square inch (psi) (gauge) at the point of atomization. Airless and air assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air.

(12) "Day" means a period of twenty-four (24) consecutive hours beginning at midnight local time, or beginning at a time consistent with a facility's operating schedule.

(13) "Department" means the Indiana department of environmental management.

(14) "Enamel" means a coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer, or a previously applied enamel coat. In some cases, another finishing material may be applied as a topcoat over the enamel.

(15) "Equipment leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.

(16) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.

(17) "Final touch-up and repair" means the application of finishing materials after completion of the finishing operation to cover minor imperfections.

(18) "Finishing application station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.

(19) "Finishing material" means a coating other than an adhesive. For the wood furniture manufacturing industry, such materials include, but are not limited to, the following:

- (A) Basecoats.
- (B) Stains.
- (C) Washcoats.
- (D) Sealers.
- (E) Topcoats.
- (F) Enamels.

(20) "Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

(21) "Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>). The term does not include devices that burn municipal or hazardous waste material.

(22) “Material safety data sheet” or “MSDS” means the documentation required by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910)\* for a solvent, cleaning material, finishing material, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.

(23) “Normally closed container” means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

(24) “Operating parameter value” means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one (1) or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.

(25) “Organic solvent” means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning equipment. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.

(26) “Overall control efficiency” means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.

(27) “Recycled on-site” means the reuse of an organic solvent in a process other than cleaning or washoff.

(28) “Reference method” means any method of sampling and analyzing for an air pollutant that is published in 40 CFR 60, Appendix A\*.

(29) “Responsible official” has the meaning given in 326 IAC 2-7-1(33).

(30) “Sealer” means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Special purpose finishing materials that are used in some finishing systems to optimize aesthetics are not sealers.

(31) “Stain” means any color coat having a solids content by weight of no more than eight percent (8.0%) that is applied in single or multiple coats directly to the substrate. Stains include, but are not limited to, the following:

- (A) Nongrain raising stains.
- (B) Equalizer stains.
- (C) Sap stains.
- (D) Body stains.
- (E) No-wipe stains.
- (F) Penetrating stains.
- (G) Toners.

(32) “Storage containers” means vessels or tanks, including mix equipment, used to hold finishing or cleaning materials.

(33) “Strippable booth coating” means a coating that:

- (A) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
- (B) is subsequently peeled off and disposed; and
- (C) by means of clauses (A) and (B), reduces or eliminates the need to use organic solvents to clean booth walls.

(34) “Substrate” means the surface onto which coatings are applied or into which coatings are impregnated.

(35) “Topcoat” means the last film-building finishing material applied in a finishing system.

(36) “Touch-up and repair” means the application of finishing materials to cover minor imperfections.

(37) “Washcoat” means a transparent special purpose coating having a solids content by weight of twelve percent (12.0%) or less. Washcoats are applied over initial stains to protect and control color and to stiffen wood fibers to aid sanding.

(38) “Washoff operations” means those operations that use an organic solvent to remove coating from a substrate.

(39) “Waterborne coating” means a coating that contains more than five percent (5.0%) water by weight in its volatile fraction.

(40) “Wood furniture manufacturing operations” means the finishing and cleaning operations conducted at a wood furniture source.

(41) “Wood furniture source” means all of the pollutant emitting activities that belong to the same wood furniture industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. The wood furniture industrial grouping includes the following standard industrial classification (SIC) codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, and 2599.

(42) “Working day” means a day, or any part of a day, in which a facility is engaged in manufacturing.

\*Copies of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910); and 40 CFR 60, Appendix A, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-11-2; filed*

Dec 5, 1995, 8:30 a.m.: 19 IR 1064)

**326 IAC 8-11-3 Emission limits**

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

Affected: IC 13-12

Sec. 3. (a) On and after January 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall limit VOC emissions from finishing operations by doing one (1) of the following:

(1) Using topcoats with a VOC content no greater than eight-tenths (0.8) kilogram of VOC per kilogram of solids (kg VOC/kg solids) or eight-tenths (0.8) pound of VOC per pound of solids (lb VOC/lb solids), as-applied.

(2) Using a finishing system of sealers with a VOC content no greater than one and nine-tenths (1.9) kg VOC/kg solids (one and nine-tenths (1.9) lb VOC/lb solids), as-applied and topcoats with a VOC content no greater than one and eight-tenths (1.8) kg VOC/kg solids (one and eight-tenths (1.8) lb VOC/lb solids), as-applied.

(3) Using sealers and topcoats based on the following criteria, for sources using acid-cured alkyd amino vinyl sealers or acid-cured alkyd amino conversion varnish topcoats:

(A) For wood furniture manufacturing operations using acid-cured alkyd amino vinyl sealers and acid-cured alkyd amino conversion varnish topcoats, the following:

(i) The sealer shall contain no more than two and three-tenths (2.3) kg VOC/kg solids, (two and three-tenths (2.3) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than two (2.0) kg VOC/kg solids, (two (2.0) lb VOC/lb solids), as-applied.

(B) For wood furniture manufacturing operations using a sealer other than an acid-cured alkyd amino vinyl sealer and acid-cured alkyd amino conversion varnish topcoats, the following:

(i) The sealer shall contain no more than one and nine-tenths (1.9) kg VOC/kg solids (one and nine-tenths (1.9) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than two (2.0) kg VOC/kg solids, (two (2.0) lb VOC/lb solids), as-applied.

(C) For wood furniture manufacturing operations using an acid-cured alkyd amino vinyl sealer and a topcoat other than an acid-cured alkyd amino conversion varnish topcoat, the following:

(i) The sealer shall contain no more than two and three-tenths (2.3) kg VOC/kg solids (two and three-tenths (2.3) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than one and eight-tenths (1.8) kg VOC/kg solids (one and nine-tenths (1.8) [sic.] lb VOC/lb solids), as-applied.

(4) Using finishing materials such that actual emissions are less than or equal to allowable emissions using one (1) of the following averaging equations:

Equation 1:

$$0.9 (\sum_{i=1-N} (0.8)(TC_i)) \geq \sum_{i=1-N} ER_{TC_i} (TC_i)$$

Equation 2:

$$0.9 (\sum_{i=1-N} (1.8)(TC_i) + (1.9)(SE_i) + (9.0)(WC_i) + (1.2)(BC_i) + (0.791) (ST_i)) \geq \sum_{i=1-N} ER_{TC_i}(TC_i) + ER_{SE_i}(SE_i) + ER_{WC_i}(WC_i) + ER_{BC_i}(BC_i) + ER_{ST_i}(ST_i)$$

Where:

N = number of finishing materials participating in averaging.

TC<sub>i</sub> = kilograms of solids of topcoat "i" used.

SE<sub>i</sub> = kilograms of solids of sealer "i" used.

WC<sub>i</sub> = kilograms of solids of washcoat "i" used.

BC<sub>i</sub> = kilograms of solids of basecoat "i" used.

ST<sub>i</sub> = liters of stain "i" used.

ER<sub>TC<sub>i</sub></sub> = VOC content of topcoat "i" in kg VOC/kg solids, as-applied.

ER<sub>SE<sub>i</sub></sub> = VOC content of sealer "i" in kg VOC/kg solids, as-applied.

ER<sub>WC<sub>i</sub></sub> = VOC content of washcoat "i" in kg VOC/kg solids, as-applied.

ER<sub>BC<sub>i</sub></sub> = VOC content of basecoat "i" in kg VOC/kg solids, as-applied.

ER<sub>ST<sub>i</sub></sub> = VOC content of stain "i" in kg VOC/liter (kg/l), as-applied.

(5) Using a control system that will achieve an equivalent reduction in emissions as the requirements of subdivision (1), (2),

or (3), as calculated using the compliance provisions in section 6(a)(2) of this rule, as appropriate.

(6) Using a combination of the methods presented in this subsection.

(b) On and after January 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall limit VOC emissions from cleaning operations when using a strippable booth coating. A strippable booth coating shall contain no more than eight-tenths (0.8) kg VOC/kg solids (eight-tenths (0.8) lb VOC/lb solids), as-applied. (*Air Pollution Control Board; 326 IAC 8-11-3; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1066*)

**326 IAC 8-11-4 Work practice standards**

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

Affected: IC 13-12

Sec. 4. (a) On and after July 23, 1995, the owner or operator of a source or facility subject to this rule shall implement housekeeping practices that include the following:

(1) All equipment shall be maintained according to the manufacturer's specifications.

(2) All fresh or used solvent shall be stored in closed containers.

(3) All organic solvents used for line cleaning shall be pumped or drained into a closed container.

(4) Finishing materials and cleaning materials shall be stored in closed containers.

(b) On and after July 23, 1995, emissions from washoff operations shall be controlled by the following:

(1) Using closed tanks for washoff.

(2) Minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.

(c) On and after July 23, 1995, conventional air spray guns shall not be used for applying finishing materials except under the following circumstances:

(1) To apply finishing materials that have a VOC content no greater than one (1.0) kilogram of VOC per kilogram of solids (kg VOC/kg solids) (one (1.0) pound of VOC per pound of solid (lb VOC/lb solids)), as-applied.

(2) For final touch-up and repair under one (1) of the following circumstances:

(A) The finishing materials are applied after completion of the finishing operation.

(B) The finishing materials are applied after the stain and before any other type of finishing material is applied, and the finishing materials are applied from a container that has a volume of no more than two (2) gallons.

(3) If spray is automated, that is, the spray gun is aimed and triggered automatically, not manually.

(4) If emissions from the finishing application station are directed to a control device.

(5) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is less than five percent (5.0%) of the total number of gallons of finishing material used during that semiannual reporting period.

(6) The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. Technical or economic infeasibility shall be demonstrated by submitting to the department a videotape, a technical report, or other documentation that supports the claim of technical or economic infeasibility. The following criteria shall be used, either independently or in combination, to support the claim of technical or economic infeasibility:

(A) The production speed is too high or the part shape is too complex for one (1) operator to coat the part, and the application station is not large enough to accommodate an additional operator.

(B) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(d) On and after May 1, 1996, the owner or operator of a wood furniture manufacturing operation subject to this rule shall ensure that spray guns are cleaned in an enclosed device that does the following:

(1) Minimizes solvent evaporation during cleaning, rinsing, and draining operations.

(2) Recirculates solvents during the cleaning operation so that the solvent is reused.

(3) Collects solvent so that it is available for proper disposal or recycling.

(e) On and after July 23, 1995, the owner or operator of a wood furniture manufacturing operation subject to this rule shall not use organic solvents containing more than eight percent (8.0%) by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, no more than one (1.0) gallon of organic solvent shall be used to clean the booth.

(f) On and after May 1, 1996, the owner or operator of a wood furniture manufacturing operation shall implement a written

training program for all new and existing personnel, including contract personnel, involved in the implementation of this rule and shall provide initial and thereafter annual training. Records of training programs shall be kept on-site with the continuous compliance plan (CCP) for a minimum of three (3) years. Documentation of the training program shall include, at a minimum, the following:

- (1) A list of all personnel who are required to be trained by name and job description.
- (2) An outline of the topics to be addressed in the initial and annual training program for each person, or group of personnel.

Topics to be addressed shall include, at a minimum, the following:

- (A) Applicable application techniques.
- (B) Applicable cleaning procedures.
- (C) Applicable equipment setup and adjustment to minimize finishing material usage and overspray.
- (D) Appropriate management of clean-up wastes.

(3) Documentation of successful training completion for personnel involved in implementing this rule shall include the following:

(A) A listing of topics addressed at the initial or annual training. At a minimum, topics addressed shall include those listed in subdivision (2).

(B) A hands-on demonstration of the following:

- (i) Correct coating application techniques.
- (ii) Correct cleaning procedures.
- (iii) Correct equipment setup and adjustment to minimize coating usage and overspray.
- (iv) Appropriate management of clean-up wastes.

(g) On and after May 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall implement a written leak inspection and maintenance plan that specifies the following:

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply finishing materials or organic solvents.

(2) An inspection schedule.

(3) Methods for documenting the date and results of each inspection and any repairs that were made.

(4) The time frame between identifying a leak and making the repair that adheres to the following schedule:

(A) A first attempt at repair (such as tightening of packing glands) shall be made no later than five (5) working days after the leak is detected.

(B) Final repairs shall be made within fifteen (15) working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three (3) months.

(h) On and after May 1, 1996, an organic solvent accounting form shall be maintained to record the following:

(1) The quantity and type of organic solvent used each month for washoff and cleaning.

(2) The number of pieces washed off, and the reason for the washoff.

(3) The quantity of spent organic solvent generated from each activity, and the quantity that is recycled on-site or disposed off-site each month.

*(Air Pollution Control Board; 326 IAC 8-11-4; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1066; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)*

### **326 IAC 8-11-5 Continuous compliance plan**

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

Affected: IC 13-12

Sec. 5. (a) On or before May 1, 1996, each owner or operator of a source or facility subject to this rule shall submit to the department a continuous compliance plan (CCP). The CCP shall address, at a minimum, the topics addressed in section 4 of this rule.

(b) The CCP shall include a statement signed by a responsible official certifying that the wood furniture manufacturing operation is in compliance with the following:

(1) The emission limits of section 3 of this rule.

(2) The work practice standards of section 4 of this rule.

(c) A copy of the CCP shall be maintained on-site and shall be available for inspection by the department upon request.

(d) If the department determines that the CCP does not adequately address each of the topics specified in subsection (a), the department shall require the owner or operator of the wood furniture manufacturing operation to modify the CCP. *(Air Pollution*

*Control Board; 326 IAC 8-11-5; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1068)*

**326 IAC 8-11-6 Compliance procedures and monitoring requirements**

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

Affected: IC 13-12

Sec. 6. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall demonstrate compliance with the provisions of section 3 of this rule by using any of the following methods:

(1) To support that each sealer, topcoat, and strippable booth coating meets the requirements of section 3(a)(1) through 3(a)(3) or 3(b) of this rule, maintain documentation that uses EPA Method 24\* data, or data from an equivalent or alternative method, to determine the VOC and solids content of the as-supplied finishing material. If solvent or other VOC is added to the finishing material before application, the wood furniture manufacturing operation shall maintain documentation showing the VOC content of the finishing material as-applied, in kilograms of VOC per kilogram of solids (kg VOC/kg solids).

(2) To comply through the use of a control system as described in section 3(a)(5) of this rule the following are required:

(A) Determine the overall control efficiency needed to demonstrate compliance using Equation 3:

Equation 3:  $O = ((V - E)/V)(100)$

Where: O = overall control efficiency of the capture system and control device as percentage.

V = actual VOC content of the finishing system material or, if multiple finishing materials are used, the daily weighted average VOC content of all finishing materials, as-applied to the substrate in pounds of VOC per pound of solids (lbs VOC/lb solids).

E = equivalent VOC emission limits in lbs VOC/lb solids.

(B) Document that the value of V in Equation 3 is obtained from the VOC and solids content of the as-applied finishing material.

(C) Calculate the overall efficiency of the capture system and control device, using the procedures in section 7 of this rule, and demonstrate that the value of the overall control efficiency thus estimated is equal to or greater than the value of O calculated by Equation 3.

(b) Initial compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) shall submit an initial compliance status report, as required by sections 5 and 9 of this rule, stating that compliant sealers and topcoats and strippable booth coatings are being used by the wood furniture manufacturing operations.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate initial compliance by either of the following:

(A) Submitting an initial compliance status report stating that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, are being used.

(B) Submitting an initial compliance status report stating that compliant sealers or topcoats, as determined by the VOC content of the finishing material in the reservoir, are being used and the viscosity of the finishing material in the reservoir is being monitored. The wood furniture manufacturing operation shall also provide data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir.

(3) Owners or operators of a wood furniture manufacturing operation using a control system or capture or control device to comply with the requirements of this rule, as allowed by section 3(a)(5) of this rule and subsection (a)(2) shall demonstrate initial compliance by doing the following:

(A) On or before January 1, 1996, conducting an initial compliance test using the procedures and test methods listed in section 7 of this rule.

(B) On or before January 1, 1996, calculating the overall control efficiency.

(C) On or before January 1, 1996, determining those operating conditions critical to determining compliance and establishing operating parameters that will ensure compliance with the standards as follows:

(i) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter.

(ii) For compliance with a catalytic incinerator equipped with a fixed catalyst bed, the minimum gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter.



(iii) For compliance with a catalytic incinerator equipped with a fluidized catalyst bed, the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed shall be the operating parameters.

(iv) For compliance with a carbon adsorber, the operating parameters shall be either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the commissioner to establish other operating parameters.

(v) For compliance with a control device not listed in this rule, the owner or operator shall submit to the department a description of the control device, test data, verifying the performance of the device, and appropriate operating values that will be monitored to demonstrate continuous compliance with the standard. Compliance using this device is subject to the commissioner's approval.

(D) Owners or operators complying with this subdivision shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the initial compliance test required in subsection (c)(3)(A)(iv).

(E) On or before May 1, 1996, submitting a monitoring plan that identifies the operating parameter to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(4) Owners or operators of a wood furniture manufacturing operation subject to the continuous compliance plan (CCP) in section 5 of this rule shall submit an initial compliance status report, as required by section 9(b) of this rule, stating that the CCP has been developed and procedures have been established for implementing the provisions of the plan.

(c) Continuous compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the finishing materials are compliant, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that compliant sealers and topcoats and strippable booth coatings have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(B) The compliance certification shall be signed by a responsible official.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate continuous compliance by use of the following procedures:

(A) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certificate requirements shall be as follows:

(i) State that compliant sealers and topcoats have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(ii) The compliance certification shall be signed by a responsible official.

(B) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(i) State that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial

finishing material, that is, the material that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period.

(ii) The compliance certification shall be signed by a responsible official.

(iii) A wood furniture manufacturing operation is in violation of the standard when a sample of the as-applied finishing material exceeds the applicable limit established in section 3(a)(1) through 3(a)(3) of this rule, as determined using EPA Method 24\*, or an equivalent or alternative method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(3) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the use of a control system or a capture or control device shall demonstrate continuous compliance by complying with the control system operation, maintenance, and testing, and control system monitoring, record keeping, and reporting requirements as follows:

(A) For sources choosing to meet the emission limit requirements of section 3(a)(5) of this rule at any facility using a control device or devices, the following requirements apply:

(i) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based upon the results of the initial or subsequent compliance test or upon the written request of the department.

(ii) The operating and maintenance procedures shall be followed beginning no later than January 1, 1996. A copy of the procedures shall be submitted to the department no later than May 1, 1996.

(iii) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference of plant personnel and department inspectors.

(iv) The control system shall be tested according to the following schedule and under the following situations:

(AA) An initial compliance test shall be conducted on or before January 1, 1996, and every two (2) years after the date of the initial test.

(BB) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous compliance test.

(CC) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.

(DD) A compliance test shall also be performed within ninety (90) days of the receipt of a written request from the department or the U.S. EPA.

(EE) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(aa) Test procedures.

(bb) Operating and control system parameters.

(cc) Type of VOC containing process material being used.

(dd) The process and control system parameters that will be monitored during the test.

(B) Control system monitoring, record keeping, and reporting requirements are as follows:

(i) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the commissioner:

(AA) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(BB) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade (0.5°C),

whichever is greater.

(CC) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(DD) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters that would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.

(ii) Sources subject to the requirements of this rule shall maintain the following records:

(AA) A log of the operating time of the facility, the facility's capture system, control device, and monitoring equipment.

(BB) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(CC) The following additional records shall be maintained for facilities using thermal incinerators:

(aa) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(DD) The following additional records shall be maintained for facilities using catalytic incinerators:

(aa) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(cc) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(EE) The following additional records shall be maintained for facilities using carbon adsorbers:

(aa) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(bb) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.

(FF) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by item (i)(DD).

(GG) Information requirements in subitems (BB), (CC)(bb), (DD)(bb), (DD)(cc), and (EE)(bb) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(aa) The name and location of the facility.

(bb) Identification of the control system where the excess emission occurred and the facility it served.

(cc) The time, date, and duration of the exceedance.

(dd) Corrective action taken.

(4) Owners or operators of a wood furniture manufacturing operation subject to the CCP in section 5 of this rule shall demonstrate continuous compliance by following the provisions of the CCP and submitting a compliance certification with

the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that the CCP is being followed, or shall otherwise identify the periods of noncompliance with the work practice standards. Each failure to implement an obligation under the plan during any particular day is a separate violation.

(B) The compliance certification shall be signed by a responsible official.

\*Copies of EPA Method 24 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-11-6; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1068; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045*)

### **326 IAC 8-11-7 Test procedures**

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

Affected: IC 13-12

Sec. 7. (a) Compliance with the emission limits in section 3 of this rule shall be determined by the procedures and methods contained in 326 IAC 8-1-4 and 40 CFR 60, Appendix A\*. The owner or operator of the wood furniture manufacturing operation may request approval from the department and the U.S. EPA to use an equivalent or alternative method.

(b) If it is demonstrated to the satisfaction of the department and the U.S. EPA that a finishing material does not release VOC byproducts during the cure, for example, all VOC is solvent, then batch formulation information shall be accepted. In the event of any inconsistency between an EPA Method 24\* test and a facility's formulation data, that is, if the EPA Method 24\* value is higher, the EPA Method 24\* shall govern.

(c) Owners or operators complying with the provision of this rule through use of a control system shall demonstrate initial compliance by demonstrating the overall control efficiency determined by using procedures in 326 IAC 8-1-4 and 40 CFR 60\*, Appendix A, is at least equal to the required overall control efficiency determined by using the equation in section 6(a)(2)(A) of this rule.

(d) All tests required in this section shall be conducted according to protocol developed in consultation with the department.

\*Copies of 40 CFR 60, Appendix A may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072*)

### **326 IAC 8-11-8 Record keeping requirements**

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

Affected: IC 13-12

Sec. 8. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall maintain records of the following:

(1) A list of each finishing material and strippable booth coating subject to the emission limits in section 3 of this rule.

(2) The VOC and solids content, as-applied, of each finishing material and strippable booth coating subject to the emission limits in section 3 of this rule, and copies of data sheets documenting how the as-applied values were determined.

(b) The owner or operator of a wood furniture manufacturing operation following the compliance procedures of section 6(c)(2) of this rule shall maintain the records required by subsection (a) and daily records of the following:

(1) Solvent and finishing material additions to the continuous coater reservoir.

(2) Viscosity measurements.

(c) The owner or operator of a wood furniture manufacturing operation following the compliance method of section 6(a)(2) of this rule in addition to complying with the record keeping requirement of section 6(c)(3)(B) of this rule shall maintain the following records:

(1) Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of the required overall control efficiency and actual determined control efficiency.

(2) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

(d) The owner or operator of a wood furniture manufacturing operation subject to the work practice standards in section 4 of

this rule shall maintain on-site the continuous compliance plan (CCP) and all records associated with fulfilling the requirements of that plan, including, but not limited to, the following:

- (1) Records demonstrating compliance with the operator training program.
- (2) Records maintained in accordance with the leak inspection and maintenance plan.
- (3) Records associated with the cleaning solvent accounting system.
- (4) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual reporting period.
- (5) Records showing the VOC content of solvent used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, or metal filters.
- (6) Copies of logs and other documentation developed to demonstrate that the other provisions of the CCP are followed.

(e) In addition to the records required by subsection (a), the owner or operator of a wood furniture manufacturing operation shall maintain a copy of the compliance certifications submitted in accordance with section 9(c) of this rule for each semiannual period following the compliance date.

(f) The owner or operator of a wood furniture manufacturing operation source shall maintain a copy of all other information submitted with the initial report required by section 9(b) of this rule and the semiannual reports required by section 9(c) of this rule.

(g) The owner or operator of a wood furniture manufacturing operation shall maintain all records for a minimum of three (3) years.

(h) Failure to maintain the records required by this section shall constitute a violation of the rule for each day records are not maintained. (*Air Pollution Control Board; 326 IAC 8-11-8; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072*)

### **326 IAC 8-11-9 Reporting requirements**

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

Affected: IC 13-12

Sec. 9. (a) The owner or operator of a wood furniture manufacturing operation using a control system to fulfill the requirements of this rule is subject to the reporting requirements of section 6(c)(3)(B)(ii)(GG) of this rule.

(b) On or before May 1, 1996, the owner or operator of a wood furniture manufacturing operation shall submit to the department the following:

- (1) The continuous compliance plan required by section 5 of this rule.
- (2) The initial compliance report for sources using add-on controls as required by section 6(b)(3) of this rule.

(c) The owner or operator of a wood furniture manufacturing operation subject to this rule and demonstrating compliance in accordance with section 6(a)(1) or 6(a)(2) of this rule shall submit a semiannual report covering the previous six (6) months of wood furniture manufacturing operations according to the following schedule:

- (1) The first report shall be submitted thirty (30) calendar days after the end of the first six (6) month period following the compliance date.
- (2) Subsequent reports shall be submitted within thirty (30) calendar days after the end of each six (6) month period following the first report.

(3) Each semiannual report shall include the information required by section 6(c) of this rule, a statement of whether the wood furniture manufacturing operation was in compliance or noncompliance, and, if the wood furniture manufacturing operation was not in compliance, the measures taken to bring the wood furniture manufacturing operation source into compliance.

(*Air Pollution Control Board; 326 IAC 8-11-9; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1073*)

### **326 IAC 8-11-10 Provisions for sources electing to use emissions averaging**

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

Affected: IC 13-12

Sec. 10. (a) The owner or operator of the wood furniture manufacturing operation electing to comply with the emissions standards in section 3(a)(4) of this rule shall submit to the department for approval a plan addressing the following provisions:

(1) Program goals and rationale as follows:

(A) Provide a summary of the reasons why the wood furniture manufacturing operation would like to comply with the emission limitation through the procedures established in section 3(a)(4) of this rule.

(B) Provide a summary of how averaging can be used to meet the emission limitation.

(C) Document that the additional environmental benefit requirement is being met through the use of the equations in section 3(a)(4) of this rule. These equations ensure that the wood furniture manufacturing operation achieves an additional ten percent (10%) reduction in emissions when compared to wood furniture manufacturing operations using a compliant coatings approach to meet the requirements of the rule.

(2) Program scope as follows:

(A) Include the types of finishing materials that will be included in the wood furniture manufacturing operations' averaging program.

(B) Stains, basecoats, washcoats, sealers, and topcoats may be used in the averaging program.

(C) Finishing materials that are applied using continuous coaters may only be used in an averaging program if the wood furniture manufacturing operation can determine the amount of finishing material used each day.

(3) For program baseline, each finishing material included in the averaging program shall be the lower of the actual or allowable emission rate as of the effective date of this rule.

(4) Quantification procedures as follows:

(A) Describe how emissions and changes in emissions will be quantified, including methods for quantifying usage of each finishing material. Quantification procedures for VOC content are included in section 7 of this rule.

(B) Quantification methods used shall be accurate enough to ensure that the wood furniture manufacturing operations' actual emissions are less than the allowable emissions, as calculated using Equation 1 or 2 in section 3(a)(4) of this rule, on a daily basis.

(5) Monitoring, record keeping, and reporting as follows:

(A) Provide a summary of the monitoring, record keeping, and reporting procedures that will be used to demonstrate daily compliance with the equations presented in section 3(a)(4) of this rule.

(B) Monitoring, record keeping, and reporting procedures shall be structured in such a way that the department and facility owners can determine a wood furniture manufacturing operations' compliance status for any day.

(b) Pending approval by the department and the U.S. EPA of the proposed emissions averaging plan, the owner or operator shall continue to comply with the provisions of this rule. (*Air Pollution Control Board; 326 IAC 8-11-10; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1073*)

## **Rule 12. Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties**

### **326 IAC 8-12-1 Applicability**

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

Affected: IC 13-12

Sec. 1. On and after November 1, 1995, this rule applies to shipbuilding or ship repair facilities that meet the following conditions:

(1) Are located in Clark or Floyd County and emit or have the potential to emit a total of one hundred (100) tons per year or more of volatile organic compounds (VOC) from all operations at the shipbuilding or ship repair facility.

(2) Are located in Lake or Porter County and emit or have the potential to emit a total of twenty-five (25) tons per year or more of VOC from all operations at the shipbuilding or ship repair facility.

(*Air Pollution Control Board; 326 IAC 8-12-1; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1750*)

### **326 IAC 8-12-2 Exemptions**

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

Affected: IC 13-12

Sec. 2. The following marine coatings are exempt from the volatile organic compound emissions limiting requirements contained in section 4 of this rule:

(1) Any marine coating used in volumes of less than twenty-five (25) gallons in any one (1) calendar year. The total of all exempt coatings shall not exceed two hundred sixty-four (264) gallons in any one (1) calendar year.

(2) Any marine coating applied using a hand-held aerosol can.

(3) Any marine coating used in a touch-up operation.

*(Air Pollution Control Board; 326 IAC 8-12-2; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1751; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3613)*

**326 IAC 8-12-3 Definitions**

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

Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:

(1) "Add-on control system" means an air pollution control device, such as a carbon absorber or incinerator, that reduces pollution in an air stream by destruction or removal prior to discharge to the ambient air.

(2) "As applied" means the condition of a coating at the time of application to the substrate, including any thinning solvent.

(3) "As supplied" means the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.

(4) "Batch" means the product of an individual production run of a coating manufacturer's process. A batch is characterized by uniform composition that may vary slightly from other batches of the same product.

(5) "Capture efficiency" means the weight per unit time of VOC entering a capture system and delivered to a control device divided by the weight per unit time of VOC generated by a source of VOC, expressed as a percentage.

(6) "Capture system" means all equipment, including, but not limited to:

- (A) hoods;
- (B) ducts;
- (C) fans;
- (D) booths;
- (E) ovens; and
- (F) dryers;

that contains, collects, and transports an air pollutant to a control device.

(7) "Certify" means, in reference to the VOC content of a coating, to attest to the VOC content as determined through analysis by the U.S. Environmental Protection Agency (U.S. EPA) Method 24 in 40 CFR 60\*, Appendix A, or through use of the forms and procedures outlined in the U.S. EPA Publication EPA 450/3-84-019, revised June 1986\*. In the case of conflicting results, the U.S. EPA Method 24\* shall be the reference method.

(8) "Cleaning materials" means materials with a VOC content exceeding zero (0), used to remove contaminants, such as paints and coatings, from paint guns, hoses, and containers by flushing and spraying.

(9) "Commercial vessel" means any vessel not owned and operated by the United States military or the United States Coast Guard.

(10) "Container of coating" means, for purposes of demonstrating compliance under section 5(3) and 5(4) of this rule, the container from which the coating is applied, such as a bucket or pot.

(11) "Control device" means equipment, such as an incinerator or carbon adsorber, used to reduce, by destruction or removal, the amount of air pollutant or pollutants in an air stream prior to discharge to the ambient air.

(12) "Control system" means a combination of one (1) or more capture systems and control devices working in concert to reduce discharge of pollutants to the ambient air.

(13) "Destruction or removal efficiency" means the amount of VOC destroyed or removed by a control device expressed as a percent of the total amount of VOC entering the device.

(14) "Epoxy" means any thermoset coating formed by reaction of an epoxy resin, that is, a resin containing a reactive epoxide or oxirane function, such as the condensation product of epichlorohydrin and bisphenol A, with a curing agent, such as a polyamide or polyamine.

(15) "Exempt compounds" has the meaning of nonphotochemical reactive hydrocarbon as established in 326 IAC 1-2-48.

(16) "General use coating" means a coating that is applied over the preconstruction primer to provide long term protection for both the substrate and the underlying coating and that is not a specialty coating.

(17) "Normally closed" means a container or piping system is closed unless an operator is actively engaged in adding or removing material.

(18) "Operating day" means a twenty-four (24) hour period between midnight (12:00 a.m.) and the following midnight during which a facility is engaged in manufacturing or repair operations. It is not necessary for the facility to operate continuously

for the entire twenty-four (24) hour period.

(19) "Overall emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control system divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction efficiency is the product of the capture efficiency and the control device destruction or removal efficiency.

(20) "Ship" means any marine or freshwater vessel made of steel and used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). The term includes, but is not limited to, all of the following:

- (A) Military and United States Coast Guard vessels.
- (B) Commercial cargo and passenger (cruise) ships.
- (C) Ferries.
- (D) Barges.
- (E) Tankers.
- (F) Container ships.
- (G) Patrol and pilot boats.
- (H) Dredges.

As used in this rule, offshore oil and gas drilling platforms are not considered ships.

(21) "Shipbuilding or ship repair facility" means any facility that builds, repairs, repaints, converts, or alters ships.

(22) "Specialty coating" means any coating that is manufactured and used for one (1) of the following specialized applications:

- (A) "Air flask coating" means any special composition coating applied to interior surfaces of high pressure breathing air flasks to provide corrosion resistance and that is certified safe for use with breathing air supplies.
- (B) "Antenna coating" means any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.
- (C) "Antifoulant coating" means any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the U.S. EPA as a pesticide under the federal Insecticide, Fungicide, and Rodenticide Act.
- (D) "Heat resistant coating" means any coating that, during normal use, must withstand a temperature of at least two hundred four degrees Centigrade (204°C) (four hundred degrees Fahrenheit (400°F)).
- (E) "High-gloss coating" means any coating that achieves at least eighty-five percent (85%) reflectance on a sixty (60) degree meter when tested by ASTM Method D-523\*.
- (F) "High-temperature coating" means any coating that, during normal use, must withstand a temperature of at least four hundred twenty-six degrees Centigrade (426°C) (eight hundred degrees Fahrenheit (800°F)).
- (G) "Inorganic zinc (high-build) coating" means a coating that contains eight (8) pounds or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. These coatings are typically applied at more than two (2) mil dry film thickness.
- (H) "Military exterior coating" means any exterior topcoat applied to military or United States Coast Guard vessels that are subject to specific chemical, biological, and radiological washdown requirements. These are also referred to as chemical agent resistant coatings (CARC).
- (I) "Mist coating" means any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer, that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing, thus acting as a sealer coat and preventing formation of blisters or pinholes in the final coating system.
- (J) "Navigational aids coating" means any coating applied to United States Coast Guard buoys or other United States Coast Guard waterway markers when they are recoated aboard ship at their usage site and immediately returned to the water.
- (K) "Nonskid coating" means any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.
- (L) "Nuclear coating" means any protective coating used to seal porous surfaces, such as steel or concrete, that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long term (service life) cumulative radiation exposure (ASTM D4082-83\*), relatively easy to decontaminate (ASTM D4256-83\*), and resistant to various chemicals to which the coatings are likely to be exposed (ASTM 3912-80\*). General protective requirements are outlined by the Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide 1.54\*).



(M) "Organic zinc coating" means any coating derived from zinc dust incorporated into an organic binder that contains more than eight (8) pounds of elemental zinc per gallon of coating, as applied, and that is used for the express purpose of corrosion protection.

(N) "Pretreatment wash primer coating" means any coating that contains a minimum of five-tenths percent (0.5%) acid, by weight, and is applied only to bare metal to etch the surface and enhance adhesion of subsequent coatings.

(O) "Repair and maintenance of thermoplastic coating of commercial vessels" means any vinyl, chlorinated rubber, or bituminous resin coating that is applied over the same type of existing coating to perform the partial recoating of any in-use commercial vessel. The term does not include coal tar epoxy coatings, which are considered general use coatings.

(P) "Rubber camouflage coating" means any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.

(Q) "Sealant coating for thermal spray aluminum" means any epoxy coating applied to thermal spray aluminum surfaces at a maximum thickness of one (1) dry mil.

(R) "Special marking coating" means any coating that is used for safety or identification applications, such as markings on flight decks and ships' numbers.

(S) "Specialty interior coating" means any coating used on interior surfaces aboard vessels according to a coating specification that requires that the coating have specified fire retardant properties and a toxicity index of less than three-hundredths (0.03), in addition to the otherwise applicable physical and performance requirements.

(T) "Tack coating" means any thin film epoxy coating applied at a maximum thickness of two (2) dry mils to prepare an epoxy coating that has dried beyond the time limit specified by the manufacturer for the application of the next coat.

(U) "Undersea weapons systems coating" means any coating applied to any component of a weapons system intended to be launched or fired from under the sea.

(V) "Waterbased weld-through (shop) preconstruction primer" means either of the following:

(i) A waterbased primer, having a VOC content of zero (0) consisting of water and liquid potassium silicate manufactured by the International Zinc, Coatings and Chemical Corporation and 330LL zinc dust manufactured by Meadowbrook Company.

(ii) An equivalent waterbased primer, having a VOC content of zero (0), that, when subject to testing under facility production conditions at inland river shipyards in Indiana, meets the same unique operational and performance criteria listed in clause (W), and characteristics and specifications of the waterbased primer in item (i).

(W) "Weld-through (shop) preconstruction primer" means a coating that:

(i) provides temporary corrosion protection for steel during inventory;

(ii) is typically applied at less than one (1) mil dry film thickness;

(iii) does not require removal prior to welding;

(iv) is temperature resistant, burn back from a weld is less than five-tenths (0.5) inch; and

(v) does not require removal before application of the film building primers including inorganic zinc high-build coatings.

(23) "Thinner" means a liquid used to reduce the viscosity of a coating that will evaporate before or during the cure of a film.

(24) "Volatile organic compound (VOC)" has the meanings set forth in 326 IAC 1-2-90.

(25) "VOC content" means the weight of VOC, per unit volume of any general use or specialty coating or cleaning material, less water and less exempt compounds.

\*Copies of ASTM Method D-523, ASTM D4082-83, ASTM D4256-83, ASTM 3912-80, Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide 1.54\*), U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60, Appendix A), and U.S. EPA Publication EPA 450/3-84-019 (revised June 1986) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-3; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1751*)

### **326 IAC 8-12-4 Volatile organic compound emissions limiting requirements**

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

Affected: IC 13-12

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AIR POLLUTION CONTROL BOARD

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Sec. 4. (a) On and after May 1, 1996, the owner or operator of a shipbuilding or ship repair facility subject to this rule shall comply with the following VOC emissions limiting requirements:

- (1) Provisions applicable to specialty coatings are as follows:
  - (A) Special marking coatings shall not exceed a VOC content of four and eight-hundredths (4.08) pounds per gallon.
  - (B) Heat resistant and high-gloss coatings shall not exceed a VOC content of three and fifty-hundredths (3.50) pounds per gallon.
  - (C) High-temperature coatings shall not exceed a VOC content of four and seventeen-hundredths (4.17) pounds per gallon.
  - (D) Weld-through (shop) preconstruction primers shall comply with subdivisions (3) through (5).
  - (E) Any other specialty coating shall not exceed a VOC content of two and eighty-three hundredths (2.83) pounds per gallon.
- (2) During application of any general use coating, VOC emissions shall be limited as follows:
  - (A) The VOC content of any general use coating shall not exceed two and eighty-three hundredths (2.83) pounds per gallon, as applied.
  - (B) From May 1 through September 30, no thinner shall be added to any general use coating.
- (3) During application of any weld-through (shop) preconstruction primer, VOC emissions shall be limited throughout the year as follows:
  - (A) Waterbased weld-through (shop) preconstruction primer shall be used.
  - (B) The VOC content of weld-through (shop) preconstruction primer, as applied, shall not exceed zero (0).
  - (C) No cleaning material shall be used in the primer application facility.
  - (D) No thinner shall be added to the weld-through (shop) preconstruction primer.
- (4) If the owner or operator of a shipbuilding or ship repair facility determines that a waterbased weld-through (shop) preconstruction primer can no longer be used due to an operational, performance, or availability constraint associated with the waterbased weld-through (shop) preconstruction primer, the source shall do the following:
  - (A) Notify the department within seven (7) days of discontinuing use of the waterbased weld-through (shop) preconstruction primer.
  - (B) Submit to the department for approval a plan for an alternative control within sixty (60) days of discontinuance. The alternative control shall consist of one (1) of the following:
    - (i) A waterbased weld-through (shop) preconstruction primer.
    - (ii) A control system with a minimum overall VOC emissions reduction efficiency of ninety-five percent (95%) that is subject to each of the following requirements:
      - (AA) The operation, maintenance, and testing requirements of 326 IAC 8-7-9.
      - (BB) The monitoring, record keeping, and reporting requirements of 326 IAC 8-7-10.
  - (C) Install the alternative control within nine (9) months of approval by the department of the plan required in clause (B).
- (5) During the time between the date when the owner or operator of the shipbuilding or ship repair facility discontinues the use of the waterbased preconstruction primer and the date when the alternative control is installed, the weld-through (shop) preconstruction primer used by the owner or operator of such shipbuilding or ship repair facility shall not exceed a VOC content of five and sixty-five hundredths (5.65) pounds per gallon or the VOC content for weld-through (shop) preconstruction primer prescribed by the U.S. EPA in a final regulation establishing National Emissions Standards for Shipbuilding and Ship Repair (Surface Coating), whichever is lower.
  - (b) On and after May 1, 1996, a source subject to this rule shall comply with the following work practice standards:
    - (1) Cleaning accessories, such as, but not limited to, paper, cloth, and rags that have been used for cleaning surfaces and equipment and that contain cleaning materials shall be stored in normally closed gasket sealed containers.
    - (2) VOC-containing solvents and coatings shall be stored in normally closed sealed containers prior to use. Spent VOC-containing solvents and coatings shall be stored in normally closed gasket sealed containers.
    - (3) Cleaning materials for cleaning spray equipment, including paint lines, shall not be used unless the equipment for collecting the cleaning materials and minimizing its evaporation to the atmosphere is used.
    - (4) All handling and transfer of VOC-containing materials to and from containers, tanks, vats, drums, and piping systems shall be conducted in a manner that minimizes drips and spills, and any drips and spills shall be cleaned up promptly.
    - (5) All containers, tanks, vats, drums, and piping systems shall be free of cracks, holes, and other defects and must be closed

unless materials are being added to or removed from them.

(c) The owner or operator of sources subject to this rule shall comply with the following training requirements:

(1) On or before January 1, 1996, the owner or operator shall develop a written worker training program. The training program shall be included in the compliance plan required to be submitted to the department for review by section 7(b)(1) of this rule.

(2) On or before May 1, 1996, all workers, including contractors, shall have completed a training program if they engage in any of the activities listed in subdivision (3).

(3) The training program may include training provided by the manufacturer or supplier of coatings, cleaning materials, or the application equipment thereof, and shall include written procedures, hands-on demonstration, as appropriate, and certification by the trainer of the trainee's ability to perform the task, on the following activities:

(A) Identification of appropriate coatings or cleaning materials.

(B) Preparation of coatings or cleaning materials according to coating or cleaning material manufacturer, distributor, or owner or operator's recommendations.

(C) Application of coatings or cleaning materials, or organic solvents using techniques that minimize their usage.

(D) Procedures to clean spray guns to minimize evaporation of organic solvents to the atmosphere.

(E) Work practice standards established in subsection (b).

(F) Procedures to gather, record, monitor, and report data in accordance with section 7 of this rule.

(4) Beginning in 1997, the owner or operator shall provide annual refresher training prior to May 1 to any worker performing one (1) or more of the activities listed in subdivision (3). Such training shall be appropriate to the job responsibilities of the worker.

(5) Any worker may perform one (1) or more activities listed in subdivision (3), for not more than one hundred eighty (180) days, notwithstanding the requirement of subdivision (2), provided:

(A) such untrained worker works under the supervision of a worker who meets the training requirements of subdivision (2); and

(B) the owner or operator keeps records of:

(i) the date the worker was assigned to the activity;

(ii) the date training was completed; and

(iii) the name of the worker providing the supervision.

(6) The owner or operator shall keep records of the training program. The records shall consist of the following:

(A) The date training was completed.

(B) A list of workers by name and worker activities listed in subdivision (3) in which each worker has been trained.

(C) A statement signed by the person providing the training certifying that the worker completed training and is proficient in the activities listed in subdivision (3) in which the worker will be engaged.

*(Air Pollution Control Board; 326 IAC 8-12-4; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1753; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3613)*

### **326 IAC 8-12-5 Compliance requirements**

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

Affected: IC 13-12

Sec. 5. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.784 and 40 CFR 63.785\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) Compliance requirements applicable to surface coating operations at a source subject to this rule are as follows:

(1) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be achieved on as applied basis for each operating day for the following products:

(A) Coatings.

(B) Cleaning materials.

(2) Compliance with the work practice standards of section 4(b) of this rule shall be achieved each operating day.

(3) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be demonstrated using U.S. EPA Method 24\*. However, in lieu of testing each container of coating for VOC content, the alternative procedures that follow may be used:

(A) If a coating as supplied by the manufacturer is applied to the substrate, in lieu of testing each container of coating using U.S. EPA Method 24\*, a source subject to this rule may use the following alternative compliance procedure:

- (i) Use a certificate issued by the manufacturer certifying the VOC content for each batch of coating.
- (ii) Notify the coating applicators that they shall not add any thinner to the coatings.
- (iii) Specify the procedure to be used to notify the coating applicators in the compliance plan required to be submitted in section 7(b)(1) of this rule.

(B) From May 1 through September 30, thinner may not be added to any general use coating. If a thinner is added to a coating before its application to the substrate, in lieu of testing the coating as applied using U.S. EPA Method 24\*, a source subject to this rule may use the following alternative compliance procedure:

- (i) Use a certification from the coating manufacturer for each batch of that coating certifying its VOC content as supplied.
- (ii) Record the volume of coating used.
- (iii) Record the volume of thinner used.
- (iv) Record the VOC content of thinner used.
- (v) Type of coating.

(4) In the compliance plan required to be submitted to the department by section 7(b)(1) of this rule, the source shall specify the compliance procedure or procedures allowed under subdivision (3) that it intends to use to demonstrate compliance with the VOC emissions limiting requirements of section 4(a) of this rule. If the source desires to use a compliance procedure other than one (1) of the three (3) described in subdivision (3), the source shall include in its compliance plan an application for approval by the department and the U.S. EPA of the proposed compliance procedure, subject to the following conditions:

- (A) The application shall include a demonstration that there is a definite and consistent relationship between U.S. EPA Method 24\* results and the alternative procedure results.
- (B) The source shall ensure that the coatings it uses are supplied by coating manufacturers that use the procedures in "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paints, Ink, and Other Coatings" (revised June 1986), U.S. EPA 450/3-84-019\* to certify the VOC content of coatings and thinners.
- (C) The source may use the alternative procedure during the time the application is being reviewed by the department and the U.S. EPA.

(5) The department may test or have tested any coating for VOC content using U.S. EPA Method 24\*. If there is a discrepancy between the results of testing for VOC content, Method 24 test results shall take precedence.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced material are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-5; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1755; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3615*)

### **326 IAC 8-12-6 Test methods and procedures**

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

Sec. 6. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.786\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) The methods and procedures set forth in 326 IAC 8-1-4, U.S. EPA Method 24\* of 40 CFR 60, Appendix A, and section 5 of this rule shall be used to ensure compliance with the VOC emissions limiting requirements of section 4(a) of this rule.

\*Copies of Method 24 of 40 CFR 60, Appendix A and 40 CFR 63.786 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-6; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616*)

### **326 IAC 8-12-7 Record keeping, notification, and reporting requirements**

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

Sec. 7. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.787 and 40 CFR 63.788\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

- (b) The following records shall be maintained at the facility for a minimum of three (3) years:
- (1) Certification of the annual training program.
  - (2) The following records for each working day of the surface coating operation:
    - (A) The following for each coating:
      - (i) Trade name, manufacturer, coating category consistent with the definitions in section 3 of this rule, and applicable VOC content consistent with section 4 of this rule.
      - (ii) VOC content as supplied.
      - (iii) Certification from the coating manufacturer, MSDS, or product data sheet for each coating used.
      - (iv) Volume of coating used.
      - (v) Thinner added, if any, including the following:
        - (AA) Description.
        - (BB) VOC content.
        - (CC) Volume added.
    - (B) The following for each solvent:
      - (i) Description.
      - (ii) Description of use, including the following:
        - (AA) Thinning.
        - (BB) Cleanup.
      - (iii) VOC content.
      - (iv) Volume used for thinning.
      - (v) Volume used for cleanup.
  - (3) Copy of the compliance plan required by subsection (b)(1).
  - (4) Copy of the quarterly compliance report required by subsection (b)(2).
- (c) Notification and reporting requirements are as follows:
- (1) On or before January 1, 1996, each source subject to this rule shall submit to the department for review a compliance plan. The department may require revisions to the compliance plan. A source may revise its compliance plan upon notifying the department in writing that a change to the compliance plan is necessary because there has been a major change in its manufacturing practices. The compliance plan shall include and address the following:
    - (A) Compliance procedure and an application for using alternative demonstration procedure if the owner or operator of the shipbuilding and ship repair facility intends to use an alternative procedure to demonstrate compliance as specified in section 5 of this rule.
    - (B) Training program as specified in section 4(c) of this rule.
    - (C) Procedures to comply with record keeping, including data gathering requirements specified in subsection (a)(2).
    - (D) Procedures to comply with work practice standards of section 4(b) of this rule.
  - (2) Beginning May 1, 1996, and within sixty (60) days after the end of each quarter, each source subject to this rule shall submit a quarterly compliance report. Reporting frequency may be changed to semiannually after May 1, 1997, if a source complying with the requirements of this rule requests such change in writing and the department determines that semiannual reporting is adequate to assure compliance with this rule. The department shall examine the source's compliance records in considering such request. The quarterly report shall contain the following information:
    - (A) Compliance status as of the last day of the quarter for the following:
      - (i) Work practice standards.
      - (ii) Training program.
      - (iii) Emission standards.
      - (iv) Compliance procedures.
      - (v) Provisions of the compliance plan.
    - (B) Date, duration, nature, and cause of each instance of noncompliance with the requirements listed in clause (A) and the corrective action taken.
    - (C) An explanation for each instance of noncompliance with the requirements listed in clause (A), including whether the noncompliance is exempt due to a state or federal provision. If there is a state or federal provision providing an exemption for the noncompliance, the basis of the exemption must be cited.

\*Copies of 40 CFR 63.787 and 40 CFR 63.788 may be obtained from the Government Printing Office, Washington, D.C.

20402. Copies of pertinent sections of the referenced materials are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-7; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616*)

**Rule 13. Sinter Plants**

**326 IAC 8-13-1 Applicability**

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

Sec. 1. This rule applies to sintering processes that exist on the effective date of this rule at integrated iron and steel manufacturing sources in Lake and Porter Counties. (*Air Pollution Control Board; 326 IAC 8-13-1; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4195*)

**326 IAC 8-13-2 Definitions**

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

Sec. 2. The following definitions apply throughout this rule:

- (1) "Control device" means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, the following:
  - (A) Incinerators.
  - (B) Carbon adsorbers.
- (2) "Control measure" means a method to reduce volatile organic compound (VOC) emissions to the atmosphere. The control measure may consist of, but is not limited to, the following:
  - (A) A control device.
  - (B) A process material control, such as sinter burden oil and grease content control.
  - (C) A process change, such as recirculation of windbox exhaust gases.
- (3) "Equivalent method" means any method of sampling and analyzing for an air pollutant or any characteristic, such as oil and grease content of the sinter burden, that has been demonstrated to the satisfaction of the commissioner to have a consistent and quantitatively known relationship to the reference method, under specified conditions, for example, approved composite oil and grease samples.
- (4) "Exceedance" means the value of the operating parameter or VOC emissions outside the stated boundaries.
- (5) "Integrated iron and steel manufacturing sources" means sources that have primary raw material and ironmaking facilities (blast furnaces), steelmaking facilities (basic oxygen furnaces), and finishing mills. Integrated iron and steel manufacturing sources do not include the following:
  - (A) Alloy and specialty steel facilities that produce alloys and specialty steel but do not include ironmaking facilities.
  - (B) Nonintegrated sources that operate melting and casting facilities and fabrication mills.
- (6) "Operating day" means a twenty-four (24) hour period between midnight and the following midnight during which the sinter is produced. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period. In the event sinter was not produced for twenty-four (24) consecutive hours, a fraction of an operating day is determined by dividing the actual hours of operation by twenty-four (24) hours.
- (7) "Operating hour" means any sixty (60) minute period beginning at the start of an hour, for example, 1 a.m. or 2 a.m. through 12 a.m., during which sinter is produced.
- (8) "Reference method" means any method of sampling and analyzing for an air pollutant or any characteristic, such as oil and grease content of the sinter burden, as specified in this rule.
- (9) "Sinter" means a coherent mass formed by heating raw materials, such as, but not limited to, the following:
  - (A) Iron ore.
  - (B) Coke breeze.
  - (C) Limestone.
  - (D) Scale.

(E) Blast furnace flue dust.

(10) "Sinter burden" means the mixture of raw materials prior to use in the sintering process.

(11) "Sinter strand" means a belt that conveys the sinter burden through the sintering process. The burden is conveyed on the strand through a furnace that ignites the fuel in the burden and is then heated under an induced draft to form sinter.

(12) "Sintering process" means the process of igniting fuel in sinter burden and then heating it under an induced draft to form an agglomerate.

(13) "Windboxes" means compartments under the sinter strand that provide for a controlled distribution of combustion air as it is drawn through the sinter bed.

*(Air Pollution Control Board; 326 IAC 8-13-2; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4195; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006)*

**326 IAC 8-13-3 Emission limit**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) On and after January 1, 1999, sinter plant windbox exhaust gas VOC emissions shall be limited as provided in subsections (b) and (c).

(b) This subsection establishes three (3) VOC emission limits for the period from May 1 through September 30 for sinter plant windbox exhaust gas VOC emissions, a seasonal cap, a maximum daily limit, and a lower daily limit for days on which an exceedance of the national ambient air quality standard for ozone is predicted to be likely. The emission limits are based on a VOC emission rate equal to twenty-five hundredths (0.25) lb/ton sinter produced and a daily sinter production rate. The VOC emissions on any day are limited to an amount based on maximum actual daily sinter production. However, on a day expected to be a high ozone day, the VOC emissions shall be limited to an amount based on average daily sinter production. Sinter plant windbox exhaust gas VOC emissions shall not exceed the VOC emission limits calculated as follows:

(1) During the period May 1 through September 30, the total VOC emissions (the seasonal cap) shall not exceed the VOC emission limit calculated as follows:

$$\text{VOC (lbs)} = 0.25 \text{ lb/ton of sinter produced} \times \text{average daily sinter production rate (tons/day)} \times 153 \text{ days}$$

(2) Except as provided in subdivision (3), on any day from May 1 through September 30, the sinter plant windbox exhaust VOC emissions (the maximum daily limit) shall not exceed the VOC emission limit calculated as follows:

$$\text{VOC (lbs/day)} = 0.25 \text{ lb/ton of sinter produced} \times \text{maximum actual daily sinter production rate (tons/day)}$$

(3) On any day from May 1 through September 30 when ozone levels in Lake, Porter, or LaPorte County are expected to exceed the national ambient air quality standard for ozone (either one (1) hour or eight (8) hour), the sinter plant windbox exhaust VOC emissions (the lower daily limit) shall not exceed the VOC emission limit calculated as follows:

$$\text{VOC (lbs/day)} = 0.25 \text{ lb/ton of sinter produced} \times \text{average daily sinter production rate (tons/day)}$$

A high ozone level day shall be predicted by the owner or operator of a source in accordance with a high ozone day action plan developed by the source and submitted to the department as part of the report required by section 4(b) of this rule. Where sinter production rate shall be calculated as follows:

(A) Maximum actual daily sinter production equals the maximum actual sinter produced on an operating day during the period from 1990 to 1997.

(B) Average daily sinter production equals either of the following:

(i) The annual average sinter production in tons divided by the annual average number of operating days in the period 1990 through 1994.

(ii) In the event sinter production in 1990 through 1994 is not representative of the current sinter production due factors, such as, but not limited to, routine repair, maintenance, or replacement, a source may elect to use the average actual sinter production in tons per day during a calendar year up to the year 1997, which represents current sinter production. The averaging period must include and be not less than the ozone season (May 1 through September 30).

(c) From October 1 through April 30, sinter plant windbox exhaust gas VOC emissions shall be limited to thirty-six hundredths (0.36) pound per ton of sinter produced. The limit shall be complied with on an operating day average basis. *(Air Pollution Control Board; 326 IAC 8-13-3; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4196; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006)*

**326 IAC 8-13-4 Compliance requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) On and after January 1, 1999, the owner or operator of a sintering process shall comply with the following:

- (1) The applicable emission limits in section 3 of this rule.
- (2) The control measure operation, maintenance, and monitoring requirements of the applicable subsection in section 6 of this rule.
- (3) The record keeping and reporting requirements of section 7 or 8 of this rule, as applicable.
- (b) By November 1, 1998, the owner or operator of a sintering process shall submit the following:
  - (1) A report detailing how the limits in section 3(b) and 3(c) of this rule will be met. The report shall contain the following:
    - (A) A list of the control measures selected to comply with section 3 of this rule. The list required by this clause shall contain, at a minimum, a control measure to reduce mill scale oil and grease content before its removal from scale pits for use at a sinter plant covered by this rule. The measure may consist of any of the following:
      - (i) Skimming oil and grease prior to removing the mill scale.
      - (ii) Removal of mill scale from the scale pit using a vacuum device.
      - (iii) A procedure that will prevent oil and grease from being entrained in the mill scale when it is being removed from the scale pits.
    - (B) The operating parameter that best describes the VOC control effectiveness of the selected control measure considering the following:
      - (i) If a control device is the selected control measure, the operating parameter shall meet the requirements of 326 IAC 8-10-8(b).
      - (ii) If sinter burden oil and grease content control is the selected control measure and the owner or operator chooses sinter burden oil and grease content as the operating parameter, the value of the operating parameter shall be determined using the procedure in section 5(d) of this rule or an alternative procedure in section 5(e) of this rule. The report shall include the alternative procedure.
      - (iii) If an alternative control measure is selected, the owner or operator shall include in the report the procedures to be followed to comply with the control measure operation, maintenance, and monitoring requirements of section 6 of this rule and the record keeping requirements of section 7 of this rule.
      - (iv) For the control measure in clause (A), the owner or operator shall include in the report a description of the mill scale removal equipment, procedure, expected removal efficiency, and procedures to maintain the efficiency at the expected value.
    - (C) The calculated VOC emission rates in accordance with section 3(b) of this rule and the data, such as the amount of sinter produced and the number of operating days used to estimate the same.
  - (2) If oil and grease content control is the selected control measure, then the owner or operator shall specify the alternative sampling frequency chosen in accordance with section 6(c)(3) of this rule.
  - (3) The procedure the source will use during the compliance testing to ensure that the operating parameter is consistent with VOC emissions.
  - (4) A statement of intent to use a VOC continuous emissions monitoring system (CEMS) according to section 8 of this rule, if this option is selected.
  - (5) A corrective action plan that will be implemented in the event of an exceedance. The corrective action plan shall contain control measures, such as, but not limited to, reducing sinter production, changing sinter burden characteristics, or modifying sintering process equipment operations.
  - (6) The calculated VOC emission rates in accordance with section 3(b) of this rule and data, such as the number of operating days and amount of sinter used to estimate the same, including the procedures to measure sinter produced.
  - (7) The procedure that the owner or operator shall use to determine the amount of sinter produced for the initial compliance demonstrations, subsequent compliance demonstrations, and other applicable requirements of this rule. If the procedure is different from that used to determine the emission rates in section 3(b) of this rule, provide the quantitative relationship between the results from the two (2) procedures.
  - (8) A high ozone day action plan that contains the following:
    - (A) Operating procedures, such as, but not limited to, limiting sinter production, controlling sinter burden characteristics,



or changing sinter machine operations, to limit VOC emissions at or below the level required in section 3(b) of this rule.

(B) Procedures to predict high ozone days. The procedures may consist of monitoring for indicators, such as, but not limited to, ambient temperature, ambient ozone concentrations in Lake, Porter, or LaPorte County, and air stagnation forecasts.

The department shall review and approve a source's high ozone day action plan on or before May 1, 1999. The department shall provide a thirty (30) day review and public comment period prior to issuing a final approval of the high ozone day action plan. The plan shall be included in the source's operating permit.

(c) The department shall review the submission required by subsection (b) with the exception of subsection (b)(8) and within fifteen (15) days of receiving the submission may request the owner or operator in writing to make changes to the submission. The source shall respond in writing within thirty (30) days of the request. In its response, the source shall either make the changes requested by the department or provide alternatives for changes requested by the department.

(d) No later than sixty (60) days after the compliance dates in section 3 of this rule, a demonstration of initial compliance with the emission limits in section 3 of this rule shall be submitted. Demonstration of compliance with the emission rates in section 3 of this rule may be performed during the same testing and compliance demonstration. The initial compliance demonstration shall be performed as follows:

- (1) Demonstrate compliance with the emission rates in section 3(b) and 3(c) of this rule in pounds per ton sinter produced.
- (2) Follow the source sampling protocols in 326 IAC 3-6-2.
- (3) Follow the emission testing procedures in 326 IAC 3-6-3 and section 5 of this rule.
- (4) Submit to the department the results of the initial compliance test according to the reporting procedures in 326 IAC 3-6-4.

In addition, include the following information in the test report:

- (A) Sinter burden oil and grease content analysis procedure, if there were any deviations from the procedures in the report submitted in subsection (b)(1), for example, but not limited to, sampling frequency.
- (B) Results of each sinter burden oil and grease content analysis.
- (C) Sinter burden throughput in tons per hour and composition for each test run.
- (D) Sinter production in tons per hour for each test run.
- (E) The operating parameter value that corresponds to the emission rates expressed in pounds of VOC per ton of sinter produced and an explanation or basis if the operating parameter calculated according to Equation 4 in section 5(d)(10) of this rule is adjusted to correspond to the VOC emission rates in section 3 of this rule.
- (F) Emission rates in pounds per ton sinter produced.
- (G) Sinter burden oil and grease content value in pounds equivalent to one-hundredth (0.01) pound of VOC/ton sinter produced that will be used to determine compliance with section 6 of this rule.

(e) On and after January 1, 1999, the owner or operator shall ensure that the value of the operating parameter meets the requirements of the applicable subdivision of section 6(c) of this rule.

(f) An owner or operator may satisfy the requirements of subsection (d) by submitting a demonstration that was performed before the compliance date in section 3(a) of this rule if the owner or operator met the reporting requirements of subsection (b), the prior notification and submission schedules of 326 IAC 3-6-2, and the demonstration otherwise satisfies the requirements of subsection (d).

(g) An owner or operator of a sintering operation who elects to change the control measure after the most recent compliance test shall do the following:

(1) Notify the department at least twenty-one (21) days before implementing the change. Notification shall include the following:

- (A) A description of the control measure and the appropriate operating parameter.
- (B) The date the change will be implemented.
- (C) The plan to comply with this rule with the changed control measure.

(2) Perform a compliance test within sixty (60) days of implementing the change according to procedures in section 8 of this rule or according to the procedures that follow:

- (A) Follow the source sampling procedures in 326 IAC 3-6-2.
- (B) Follow the applicable test procedures in section 5 of this rule.
- (C) Calculate the operating parameter value that demonstrates compliance with the emission limit during the compliance test.
- (D) Submit the compliance test results according to procedures in subsection (d)(4).

(3) Maintain the value of the operating parameter within the specified boundaries after the date that the compliance test is complete.

(h) An exceedance of the applicable operating parameter value constitutes prima facie evidence of a violation of the applicable mass emission limit. Evidence, including stack test data, may be presented to the department to refute the allegation of the violation of the applicable mass emission limit. Upon a written notification from the department of an exceedance, the source may perform a compliance test according to procedures in section 5 of this rule and petition the commissioner to revise the operating parameter value.

(i) An owner or operator who elects to change compliance demonstration procedures, for example, from sinter burden oil and grease content monitoring to a CEMS, shall notify the department at least thirty (30) days prior to making the change. (*Air Pollution Control Board; 326 IAC 8-13-4; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4197; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006*)

**326 IAC 8-13-5 Test procedures**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Windbox gas VOC emission tests are required under the following conditions:

- (1) An initial test as required in section 4(d) or 8 of this rule.
- (2) When there is a change in the control measure since the most recent compliance test.
- (3) When required by the department or the U.S. EPA.

(b) Compliance with the emission limits in section 3 of this rule shall be demonstrated according to testing procedures in 326 IAC 3-5 or 326 IAC 3-6-3 and 326 IAC 3-6-5, or Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer", 40 CFR 60, Appendix A\*, as applicable.

(c) Owners or operators of a sintering process in which the windbox gas exhausts into the atmosphere through more than one (1) stack shall test each stack for compliance with the emission limit in section 3 of this rule unless there is a demonstration that satisfies the commissioner that sampling a lesser number of stacks yields results comparable to those that will be obtained by testing all stacks. Owners or operators of a sintering process who intend to submit such demonstration shall include the demonstration in the protocol required in section 4 of this rule.

(d) If sinter burden oil and grease content control is the selected control measure and the owner or operator chooses to monitor the sinter burden oil and grease content, the operating parameter shall be determined as follows:

- (1) Collect the sinter burden sample at a location such that the sample is representative of the sinter burden before it goes through the sintering process.
- (2) Collect a sinter burden grab sample for analysis at least every fifteen (15) minutes for the duration of the test. The first sample shall be taken at the beginning of the test run. Each sample shall weigh at least one (1) pound.
- (3) Analyze each sample for oil and grease content using procedures in Method 9071A "Oil and Grease Extraction Method for Sludge Samples", U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994\*; n-hexane shall be used instead of trichlorotrifluoroethane as an extraction reagent.
- (4) Estimate oil and grease content as percent by weight of the sinter burden to three (3) places after the decimal.
- (5) Analyze oil and grease data outliers using Chauvenet's Criterion at Page I-7 in "Guide to Statistical Problem Solving" prepared for U.S. EPA, Research Triangle Park, North Carolina, under contract number 68-02-1505, June 1975\* or an alternative acceptable statistical procedure. Remove outliers that result from any cause other than the normal characteristics of the sinter burden.
- (6) Repeat the procedures in subdivisions (1) through (4) if the number of representative data is less than ten (10).
- (7) Using representative oil and grease content data from subdivisions (4) through (6), determine the oil content average and standard deviation as follows:

Equation 1:

$$\text{Average oil and grease content, percent (\%)} \text{ by weight} = \Sigma x/n$$

Equation 2:

$$s = \sqrt{((\Sigma x^2 - ((\Sigma x)^2/n))/(n - 1))}$$

Where: n = Number of samples.

s = Standard deviation of oil and grease content percent by weight.

x = Percent oil and grease in each sample.

(8) Calculate oil and grease content as percent by weight sinter burden as follows:

Equation 3:

Oil and grease content (percent (%) by weight) = average oil content (%) + one (1) standard deviation (%)

(9) Calculate average sinter burden throughput during the test in tons.

(10) Calculate oil and grease content as an operating parameter in pounds as follows:

Equation 4:

Operating parameter oil content (pounds) = (oil and grease content (percent (%) by weight from Equation 3) ×  $\frac{1}{100}$ ) × average sinter burden throughput (tons) × 2,000 pounds/ton

(11) If the operating parameter in Equation 4 corresponds to a VOC emission rate in pounds VOC per ton sinter produced that is less than the VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule, calculate the operating parameter to represent the appropriate VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule and explain the basis as provided in section 4(d)(4)(E) of this rule.

(e) An owner or operator may request approval of an alternative oil and grease sampling and analysis procedure by submitting to the department a written request. The request shall include all of the following:

(1) Sampling procedure that includes all of the following:

- (A) A list of raw materials that will be sampled.
- (B) Sampling equipment to be used.
- (C) Sampling location.
- (D) Number of samples to be collected.
- (E) Sampling frequency.
- (F) Amount of sample to be collected.

(2) Analytical procedure that includes all of the following:

- (A) Sample preparation procedure.
- (B) Analytical equipment.
- (C) Analysis procedure.
- (D) Reagents to be used.
- (E) Accuracy and precision of measurements.
- (F) Procedure to identify unrepresentative oil and grease content values.
- (G) Expected variation in pounds in the oil and grease content value as determined by subsection (d)(10).

\*Copies of the following documents: Guide to Statistical Problem Solving prepared for the U.S. EPA, Research Triangle Park, North Carolina, under Contract Number 68-02-1505, June 1975, Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer", 40 CFR 60, Appendix A, and Method 9071A "Oil and Grease Extraction Method for Sludge Samples" in U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of any referenced documents are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-13-5; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4199; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006*)

**326 IAC 8-13-6 Control measure operation, maintenance, and monitoring**

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) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by using a control device shall comply with the operation, maintenance, and monitoring requirements of 326 IAC 8-10-8.

(b) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by using a control device shall maintain the control device operating parameter values within the boundaries specified in 326 IAC 8-10-9(b)(3), 326 IAC 8-10-9(b)(4), 326 IAC 8-10-9(b)(5), or 326 IAC 8-10-9(b)(6).

(c) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by controlling the sinter burden oil and grease content shall, after the date that the initial or the subsequent compliance test is completed, comply with the following requirements:

(1) Following procedures in section 5 of this rule, analyze at least one (1) sample during each of the following operating

periods of an operating day:

- (A) 00:00 - 08:00.
- (B) 08:00 - 16:00.
- (C) 16:00 - 24:00.

(2) The owner or operator may composite a number of grab samples taken within each operating period. If sinter is produced for less than a total of sixty (60) minutes in any operating period, the owner or operator is not required to sample for oil and grease content during that operating period.

(3) Compliance with the oil and grease content requirements shall be determined in one (1) of the following ways:

(A) If the owner or operator takes one (1) sample per operating period, the sample may be a composite of multiple samples taken within the operating period. The three (3) values shall be averaged over the day, and:

- (i) the daily average value may exceed the operating parameter on not more than five (5) days per month by an oil amount not to exceed one-hundredth (0.01) pound of VOC per ton of sinter produced as determined by the initial or subsequent compliance test;
- (ii) the daily average of the samples taken the day after the day in which the excursion occurred must be in compliance with the operating parameter;
- (iii) an excursion greater than the specified percentage in excess of the operating parameter shall be considered a violation of this rule; and
- (iv) more than five (5) excursions in a single month shall be considered a violation of this rule.

(B) If the owner or operator analyzes four (4) or more samples per operating period and determines the daily average oil and grease content values, then:

- (i) the daily average oil and grease content shall not exceed the operating parameter determined in section 5(d)(10) or 5(d)(11) of this rule;
- (ii) an exceedance of the operating parameter is a violation of the rule; and
- (iii) no excursions are allowed since the greater number of samples should decrease the sampling variation.

(d) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by means other than those specified in subsection (b) or (c) shall, in the notifications required by section 4 of this rule, describe the following:

- (1) Operation and maintenance of the control measure.
- (2) The process parameter or parameters and the value and range of the process parameter or parameters that indicate compliance with the emission limit.
- (3) The operating records that will be maintained.

*(Air Pollution Control Board; 326 IAC 8-13-6; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4200; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006; errata, 22 IR 2007)*

**326 IAC 8-13-7 Record keeping and reporting**

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

Sec. 7. (a) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by using a control device shall comply with the record keeping and reporting requirements in 326 IAC 8-10-9(b).

(b) Owners or operators of a sintering process that meet the emission limits in section 3 of this rule by controlling the sinter burden oil and grease content shall do the following:

- (1) Maintain the following records:
  - (A) Applicable operating parameter and actual operating parameter values.
  - (B) Materials sampled.
  - (C) Sampling date and time.
  - (D) Oil content values.
  - (E) For the period May 1 through September 30, maintain the following records:
    - (i) The VOC emitted each day.
    - (ii) The cumulative total of VOC emitted.
    - (iii) The sinter produced each operating day.
- (2) In the event that the operating parameter exceeds the applicable value, submit to the department within thirty (30) days

of the exceedance the following information:

- (A) The name and location of the source.
- (B) The information required in subdivision (1)(A) through (1)(D).
- (C) The cause of the exceedance.
- (D) The corrective action taken.

(c) In order to verify compliance with section 3(b) of this rule, the owner or operator shall keep the following records:

- (1) Operating parameter values and the corresponding VOC emission rate in pounds per ton sinter produced.
- (2) Sinter produced in tons each operating day.
- (3) VOCs emitted in pounds each operating day.
- (4) The cumulative total of VOCs emitted for the period May 1 through September 30.

(d) Owners or operators of a sintering process shall maintain all records for a minimum of five (5) years and shall make records available to the department and the U.S. EPA upon request. (*Air Pollution Control Board; 326 IAC 8-13-7; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4200; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006*)

**326 IAC 8-13-8 Continuous emissions monitoring**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) Owners or operators who elect to demonstrate compliance with the emission limits in section 3 of this rule by continuously monitoring VOC emissions shall do the following:

- (1) Before January 1, 1999, install and certify a continuous emissions monitoring (CEM) system to monitor for VOC emission in pounds per hour according to procedures in 326 IAC 3-5.
- (2) After January 1, 1999, comply with the CEM maintenance, operating procedures, quality assurance procedures, and performance specifications in 326 IAC 3-5.
- (3) After January 1, 1999, comply with the record keeping and reporting requirements in 326 IAC 3-5. In addition, the owner or operator shall comply with the following record keeping and reporting requirements:

(A) For the period May 1 through September 30, maintain the following records:

- (i) The VOC emitted each day.
- (ii) The cumulative total of VOC emitted.
- (iii) The sinter produced each operating day.

(B) Within thirty (30) days of the exceedance of an applicable emission limit in section 3 of this rule, submit a report containing the following:

- (i) The name and location of the source.
- (ii) The nature of the exceedance.
- (iii) The date of the occurrence.
- (iv) The cause of the exceedance, such as, but not limited to, production rates or characteristics of the sinter burden.
- (v) The corrective action taken according to the corrective action plan in section 4(b)(5) of this rule.

(4) Submit the CEM certification reports according to the procedures and schedule in 326 IAC 3-5.

(5) Within sixty (60) days of the compliance dates in section 3 of this rule, submit a report containing the following:

- (A) A document certifying that the owner or operator was in compliance with the emission limits in section 3 of this rule.
- (B) The appropriate CEM data.
- (C) The applicable sinter production data, sinter burden composition, and oil and grease values.

(b) The following provisions of this rule do not apply to owners or operators who elect to demonstrate compliance with the emission limits in section 3 of this rule by using a CEM to monitor VOC emissions:

- (1) Section 4(a)(2).
- (2) Section 4(b)(1)(B)(i), 4(b)(1)(B)(ii), 4(b)(1)(B)(iii).
- (3) Section 4(d).
- (4) Section 4(e).
- (5) Section 4(f).

- (6) Section 4(g)(2)(A), 4(g)(2)(C), and 4(g)(2)(D).
- (7) Section 4(h).
- (8) Section 5.
- (9) Section 6.
- (10) Section 7(a), 7(b), and 7(c) of this rule.

*(Air Pollution Control Board; 326 IAC 8-13-8; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4201; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006)*

## **ARTICLE 9. CARBON MONOXIDE EMISSION RULES**

### **Rule 1. Carbon Monoxide Emission Limits**

#### **326 IAC 9-1-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. This rule (326 IAC 9-1) is applicable to all stationary sources of carbon monoxide (CO) emissions commencing operation after March 21, 1972. *(Air Pollution Control Board; 326 IAC 9-1-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2547)*

#### **326 IAC 9-1-2 Carbon monoxide emission limits**

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

Affected: IC 13-15; IC 13-17

Sec. 2. Emissions of carbon monoxide shall be limited to the following unless specific carbon monoxide emission limits have been established in 326 IAC 11, 326 IAC 20, 326 IAC 60\*, 40 CFR 62\*, or 40 CFR 63\*:

(1) Petroleum refining emissions. No person shall cause or allow the discharge of carbon monoxide from any catalyst regeneration of a petroleum cracking system or from any petroleum fluid coker into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner.

(2) Ferrous metal smelters. No person shall cause or allow the discharge of carbon monoxide from any grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment, having a capacity of ten (10) tons per hour or more process weight unless the waste gas stream is burned in a direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner. In instances where carbon monoxide destruction is not required, carbon monoxide emissions shall be released at such elevation that the maximum ground level concentration from a single source shall not exceed twenty percent (20%) of the maximum one (1) hour Indiana ambient air quality value for carbon monoxide.

(3) Solid waste incineration and burning equipment. No person shall operate an incinerator or burning equipment that burns solid waste, as defined in 329 IAC 11-2-39, unless the waste gas stream is burned in a direct-flame afterburner that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) seconds or carbon monoxide emissions are controlled by other means approved by the commissioner.

\*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 9-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2370; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1601; errata filed Jan 7, 2002, 2:20 p.m.: 25 IR 1644)*

## **ARTICLE 10. NITROGEN OXIDES RULES**

### **Rule 1. Nitrogen Oxides Control in Clark and Floyd Counties**

**326 IAC 10-1-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Emissions of nitrogen oxides (NO<sub>x</sub>) from facilities located in Clark or Floyd County shall be controlled as follows, and any proposal to establish an alternative limitation shall be in accordance with section 4(c)(1) of this rule:

(1) Any stationary source located in Clark or Floyd County that exists on or before the effective date of this rule and that emits or has the potential to emit greater than or equal to one hundred (100) tons per year or more of NO<sub>x</sub> from all facilities at the source shall apply reasonable available control technology (RACT) as set forth in this rule.

(2) Any facility that exists on or before the effective date of this rule that has the potential to emit NO<sub>x</sub> greater than or equal to forty (40) tons per year and that is located at a source that emits or has the potential to emit NO<sub>x</sub> greater than or equal to one hundred (100) tons per year, shall comply with the applicable provisions of this rule.

(3) Facilities requiring a permit under 326 IAC 2 that are constructed, modified, or reconstructed after the effective date of this rule and to which a new source performance standard (NSPS) does not apply shall comply with this rule or best available control technology (BACT), whichever is more stringent.

(b) Unless emissions have been limited in accordance with subsection (c), the emission limitations established in section 4 of this rule shall apply to the following facilities at sources meeting the requirements of subsection (a)(1):

(1) Each electric utility steam generating unit of the type listed in section 4(b)(2) of this rule with heat input capacity greater than or equal to two hundred fifty (250) million Btu per hour.

(2) Each industrial, commercial, or institutional steam generating unit of the type listed in section 4(b)(3) of this rule with heat input capacity greater than or equal to one hundred (100) million Btu per hour.

(3) Each portland cement long dry kiln with production capacity greater than or equal to twenty (20) tons of clinker per hour.

(4) Each portland dry preheat process kiln with production capacity greater than or equal to twenty (20) tons of clinker per hour.

(5) Any other type of facility that emits or has the potential to emit NO<sub>x</sub> greater than or equal to forty (40) tons per year.

(c) A facility identified in subsection (b) shall not be subject to the emissions limits of section 4 of this rule if the source's actual emissions have been limited to below one hundred (100) tons per year through federally enforceable production or capacity limitations in an operating permit in accordance with section 3(2) of this rule and 326 IAC 2-8 on or before December 14, 1996.

(d) A facility that exists on or before the effective date of this rule that is subject to a NSPS under 40 CFR 60\* that affects emissions of NO<sub>x</sub> is not subject to 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 10-1-1; filed May 13, 1996, 5:00 p.m.: 19 IR 2869; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2370; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1602*)

**326 IAC 10-1-2 Definitions**

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

Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

(1) "Actual emissions" means a facility's actual emissions for the baseline year.

(2) "Affected facility" means any facility described in section 1(a)(2) or 1(a)(3) of this rule.

(3) "Affected source" means any source described in section 1(a)(1) of this rule.

(4) "Baseline year" means the most recent year prior to the effective date of this rule for which available data is complete, accurate, and representative of normal operations.

(5) "Clinker" means a product produced in a portland cement kiln which is then proportioned with additives and ground into a fine powder called portland cement.

(6) "Coal" means all solid fuels classified as anthracite, bituminous, sub-bituminous, or lignite by the American Society of Testing and Materials (ASTM) Designation D 388-95\*.

(7) "Coal fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety

percent (90%) or more of its total heat from combustion of coal in the baseline year.

(8) "Distillate oil" means fuel oil that contains five-hundredths (0.05) weight percent or less nitrogen and complies with the specifications for fuel oil number 1 or 2 as defined by ASTM D 396-92\*, Standard Specifications for Fuel Oil.

(9) "Dry bottom boiler" means a boiler that has a furnace bottom temperature below the ash melting point and from which the bottom ash is removed as a solid.

(10) "Facility" is defined at 326 IAC 1-2-27.

(11) "Federally enforceable" is defined at 326 IAC 1-2-28.5.

(12) "Gaseous fuels" means natural gas.

(13) "Industrial, commercial, institutional steam generating unit" means a device that combusts one (1) or more of a combination of coal, oil, and gas and produces steam or hot water primarily to supply power, heat, or hot water to any industrial, commercial, or institutional operation, including boilers used by electric utilities that are not utility boilers.

(14) "Natural gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.

(15) "Nitrogen oxides" or "NO<sub>x</sub>" means all oxides of nitrogen including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as nitrogen dioxide.

(16) "Oil" means crude oil or petroleum, or liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.

(17) "Oil fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety percent (90%) or more of its total heat from combustion of oil in the baseline year.

(18) "Operating day" means a twenty-four (24) hour period between midnight (12 p.m.) and the following midnight during which any facility combusts fuel or produces intermediate or final products. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period.

(19) "Overfeed stoker" means a boiler design that employs a moving grate assembly where the coal is fed into a hopper and then onto a continuous grate that conveys the coal into the furnace. As coal moves through the furnace, it passes over several air zones for staged burning.

(20) "Owner or operator" means any person who owns, leases, controls, operates, or supervises any source subject to this rule.

(21) "Portland cement dry preheat process kiln" means a reaction vessel that receives dried raw material from a preheater and calcines and sinters the dried raw material into a product called cement clinker.

(22) "Portland cement long dry kiln" means a reactive vessel that dries, calcines, and sinters raw materials into a product called portland cement clinker.

(23) "Portland cement plant" means any facility that manufactures portland cement by either the wet or dry process.

(24) "Potential emissions" means a facility's potential emissions as defined in 326 IAC 1-2-55 for the baseline year.

(25) "Residual oil" means crude oil and fuel oil that do not comply with the specifications under the definition of distillate oil and all fuel oil numbers 3, 4, and 6 as defined by ASTM D 396-92\*, Standard Specifications for Fuel Oils.

(26) "Source" is defined at 326 IAC 1-2-73.

(27) "Spreader stoker" means a boiler design where mechanical or pneumatic feeders distribute coal uniformly over the surface of a moving grate.

(28) "Tangentially fired boiler" means a boiler that has coal and air nozzles mounted in each corner of the furnace where the vertical furnace walls meet. Both pulverized coal and air are directed from the furnace corners along a line tangential to a circle lying in a horizontal plane of the furnace.

(29) "Thirty (30) day rolling average" means an emission rate calculated each operating day by averaging all the preceding thirty (30) successive operating days average emission rates.

(30) "Utility steam generating unit" means any facility that is constructed for the purpose of supplying more than one-third (1/3) of its potential electric output capacity and more than twenty-five (25) megawatts of electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electric energy for sale is also considered in determining the electric energy output capacity of the affected facility.

(31) "Wall-fired boiler" means a boiler that has pulverized coal burners arranged on the wall of the furnace. The burners have discrete, individual flames that extend perpendicularly into the furnace area.

(32) "Wet bottom" means a boiler that has a furnace bottom temperature above the ash melting point and from which the bottom ash is removed as a liquid.

\*Copies of American Society of Testing and Materials Designation D 388-95 and ASTM D 396-92, Standard Specifications



for Fuel Oil, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-2; filed May 13, 1996, 5:00 p.m.: 19 IR 2870; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116*)

**326 IAC 10-1-3 Requirements**

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

Affected: IC 13-12

Sec. 3. The owner or operator of an affected source shall comply with this rule as follows:

- (1) Within ninety (90) days of the effective date of this rule, the owner or operator of an affected source that has no affected facility shall submit to the department a declaration to that effect and a copy of each permit that affects its NO<sub>x</sub> emissions.
- (2) The owner or operator of an affected source that has an affected facility, who elects to comply with this rule by limiting actual emissions of a source to below one hundred (100) tons per year through federally enforceable production or capacity limits in an operating permit, shall do the following:

- (A) On or before March 14, 1996, or the effective date of this rule, whichever is later, submit to the department a complete application for a permit or a permit revision consistent with 326 IAC 2.

- (B) Within one hundred eighty (180) days of the issuance of the permit by the department, achieve compliance with the permit conditions.

- (C) Within thirty (30) days of the date in clause (B), submit to the department a statement that compliance with the enforceable permit limitation or limitations has been achieved.

- (D) Subsequent to the date in clause (B), comply with the conditions of the permit.

- (3) The owner or operator of an affected source to which section 4 of this rule applies shall do the following:

- (A) An owner or operator who elects to comply with an alternative emission limit developed according to section 4(c)(1) of this rule shall do the following:

- (i) By December 1, 1996, or within thirty (30) days of the effective date of this rule, whichever is later, submit for approval of U. S. EPA and the department a petition for an alternative emission limit in accordance with 326 IAC 8-1-5. Prior to submission of the petition, the owner or operator may submit for department review an alternative emission limit development plan that identifies the following:

- (AA) The affected facility.

- (BB) Reasons for electing an alternative emissions limit.

- (CC) Procedures the source will use to develop the alternative emission limit, including the control measures that will be evaluated.

- (DD) Any emissions monitoring that will be performed.

- (ii) Within two hundred seventy (270) days of the approval of the petition by U.S. EPA and the department, implement the approved control measures and perform an initial compliance test according to procedures in section 5 of this rule.

- (iii) Within ninety (90) days of the initial test in item (ii), submit to the department documents required by section 7(a) of this rule.

- (iv) After the date in item (iii), comply with the alternative emissions limit according to procedures in the approved petition and section 5 of this rule as applicable.

- (B) An owner or operator who elects to comply with an emission limit based on a fuel switching program developed in accordance with section 4(c)(2) of this rule shall do the following:

- (i) Within thirty (30) days of the effective date of this rule, submit to the department a statement identifying the facilities that will be included in the fuel switching program.

- (ii) Within one hundred eighty (180) days of the effective date of this rule, submit plans as required in section 4(c)(2) of this rule.

- (iii) Implement plans within thirty (30) days of approval by the department.

- (iv) On the date in item (iii), notify the department that the plan has been implemented.

- (v) After the date in item (iii), comply with the approved plan.

- (C) An owner or operator who elects to comply with an emission limit based on an approved emissions averaging plan

developed in accordance with section 4(c)(3) of this rule shall do the following:

- (i) Within thirty (30) days of the effective date of this rule, submit to the department and to U.S. EPA a statement identifying the facilities that will be included in the emissions averaging plan.
- (ii) Within one hundred eighty (180) days of the effective date of this rule, submit plans as required in section 4(c)(2) or 4(c)(3) of this rule.
- (iii) Implement plans within thirty (30) days of approval by U.S. EPA and the department.
- (iv) On the date in item (iii), notify the department that the plan has been implemented.
- (v) After the date in item (iii), comply with the approved plan.

(D) For affected sources with facilities to which section 4(b)(5) of this rule applies, within ninety (90) days of the effective date of this rule, submit to the department the following:

- (i) A statement identifying each facility to which section 4(b)(5) of this rule applies.
- (ii) Proposed NO<sub>x</sub> control measures.
- (iii) Expected percentage emission reductions.
- (iv) Monitoring and record keeping procedures that will demonstrate compliance with the emission limit.

(4) Utility steam generating units shall achieve compliance with this rule on or before November 1, 1996, and submit to the department documents required in section 7(a) of this rule on or before December 31, 1996.

(5) An owner or operator who elects to comply with emissions limits in section 4(b) of this rule shall do the following:

- (A) Within two hundred seventy (270) days of the effective date of this rule, comply with the emission limits in section 4(b) of this rule and perform initial compliance testing according to the procedures in section 5 of this rule.
- (B) Within ninety (90) days of completion of initial compliance testing required by clause (A), submit to the department documents required in section 7(a) of this rule.

*(Air Pollution Control Board; 326 IAC 10-1-3; filed May 13, 1996, 5:00 p.m.: 19 IR 2871)*

**326 IAC 10-1-4 Emissions limits**

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

Affected: IC 13-12

Sec. 4. (a) The owner or operator of an affected source shall limit nitrogen oxide (NO<sub>x</sub>) emissions from affected facilities by complying with any of the NO<sub>x</sub> limits specified as follows:

- (1) Subsection (b).
- (2) Subsection (c).
- (3) A combination of limits in subsections (b) and (c).
- (b) NO<sub>x</sub> emissions limits applicable to affected facilities are as follows:

(1) For portland cement kilns, the following:

(A) NO<sub>x</sub> emissions from each portland cement long dry kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed ten and eight-tenths (10.8) pounds per ton of clinker produced on an operating day basis and six (6.0) pounds per ton of clinker produced on a thirty (30) day rolling average basis.

(B) NO<sub>x</sub> emissions from each portland cement dry preheater process kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed five and nine-tenths pounds per ton (5.9 lbs/ton) of clinker produced on an operating day basis and four and four-tenths pounds per ton (4.4 lbs/ton) clinker produced on a thirty (30) day rolling average basis.

(2) For electric utility steam generating boilers, NO<sub>x</sub> emissions from each electric utility steam generating unit that has heat input capacity greater than or equal to two hundred fifty (250) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits on a thirty (30) day rolling average basis:

		Emissions Limit
		(lb/million
Boiler Type	Fuel Type	Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
	Distillate oil	0.2

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Residual oil	0.3
Gas	0.2

(3) For industrial, commercial, institutional boilers, NO<sub>x</sub> emissions from each industrial, commercial, or institutional steam generating unit that has heat input capacity greater than or equal to one hundred (100) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits:

Boiler Type	Fuel Type	Emissions Limit (lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
Tangentially fired	Pulverized coal	0.4
Spreader stoker	Pulverized coal	0.5
Overfeed stoker	Pulverized coal	0.4
Oil fired	Distillate oil	0.2
	Residual oil	0.3
Gas fired	Gas	0.2

Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a continuous emissions monitor (CEM) is installed then limits shall be complied with on a thirty (30) day rolling average basis.

(4) Each facility listed in subdivision (2) or (3) that simultaneously combusts a mixture of coal, oil, or gas shall comply with emissions limits determined by the following equation:

Equation 1

$$E = (A \times E1 + B \times E2 + C \times E3) / (A + B + C)$$

Where: E = the NO<sub>x</sub> limit expressed as pounds per million Btu.

A = heat input in million Btu from combustion of coal.

B = heat input in million Btu from combustion of oil.

C = heat input in million Btu from combustion of gas.

E1 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for coal.

E2 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for oil.

E3 = applicable emission limit in subdivision (2) or (3) in pounds per million Btu for gas.

(5) NO<sub>x</sub> emissions from any facility other than those listed in subdivision (1), (2), or (3) that emits or that has potential to emit NO<sub>x</sub> equal to or greater than forty (40) tons per year shall comply with an emissions limit that shall be achieved by controlling actual NO<sub>x</sub> emissions by at least forty percent (40%). This requirement does not apply to facilities of the type listed in subdivision (1), (2), or (3), including those that are smaller than the applicable size cutoff. Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a CEM is installed then limits shall be complied with on a thirty (30) day rolling average basis.

(c) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected facility may elect to comply with the following alternative emissions limits:

(1) Where an owner or operator of a source existing on the effective date of this rule claims that an emissions limit in subsection (b) is technically or economically infeasible, the owner or operator may petition for an alternative emissions limit according to the procedures in section 3(3)(A) of this rule and 326 IAC 8-1-5. An alternative RACT petition approved by the department shall be submitted to the U.S. EPA for approval.

(2) Instead of complying with the emissions limits for steam generating units in subsection (b)(2) or (b)(3), the owner or operator may comply with an emissions limit based on a fuel switching program. Provisions applicable to fuel switching are as follows:

(A) Fuel may be switched as follows:

(i) A coal fired unit may combust oil, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for coal combustion in subsection

(b)(2) or (b)(3) on an annual basis and the applicable limit for coal combustion during the period May 1 through and including September 30.

(ii) An oil fired unit may combust oil with a lower NO<sub>x</sub> emitting potential, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for oil combustion in subsection (b)(2) or (b)(3) on an annual basis and the applicable limit for oil during the period May 1 through and including September 30.

(B) The owner or operator shall submit to the department a fuel switching plan addressing the following information:

(i) Date the plan will be implemented.

(ii) Identification of each facility to be included in the fuel switching program.

(iii) For each facility in the fuel switching program the following information:

(AA) Type of steam generating unit based on fuels used in the baseline year and the applicable emissions limit in subsection (b)(2) or (b)(3).

(BB) Fuels that will be combusted.

(CC) Emission rate for each fuel, including basis, expressed as pounds per million Btu, and the amount of heat that will be derived from each fuel, expressed as million Btu.

(DD) Period of time during the year in which each fuel shall be used.

(EE) A demonstration that the actual annual fuel Btu weighted average emissions rate shall not exceed the applicable annual emissions limit using the following equation:

Equation 2

$$EL = (E1 \times H1 + E2 \times H2 + \dots) / (H1 + H2 + \dots)$$

Where:

EL = applicable emissions limit, expressed in pounds per million Btu.

E1, E2,... = emission rate of alternative fuels 1, 2, etc., expressed in pounds per million Btu.

H1, H2,... = amount of heat derived from alternative fuels 1, 2, etc., expressed in million Btu per year.

(FF) Monitoring and record keeping procedures.

(GG) Procedures that shall be used to demonstrate compliance with the emissions limits as follows:

(aa) Annually.

(bb) During the fuel switching period.

(3) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected source may comply with an emission limit based on an approved emissions averaging plan. Provisions applicable to emissions averaging are as follows:

(A) Emissions may be averaged between facilities located at sources in Indiana provided the following:

(i) The sources are under the control of the same owner and have the same designated representative.

(ii) The facilities in Clark or Floyd County engaging in the averaging plan achieve at least the equivalent NO<sub>x</sub> reductions that would be achieved if each facility complied with the emissions limit in subsection (b).

(B) Emissions may be averaged only between the facilities in any category in subsection (b)(1), (b)(2), (b)(3), or (b)(5).

(C) The owner or operator of an affected source electing to comply with emissions averaging shall submit to the department an emissions averaging plan that uses 40 CFR 76.11\* as a guideline, except that the compliance averaging time shall be as specified in this section.

(d) The commissioner may require verification of the emissions rates used by the owner or operator in subsection (c)(2) and (c)(3) using procedures and test methods in section 5 of this rule.

\*Copies of 40 CFR 76.11 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-4; filed May 13, 1996, 5:00 p.m.: 19 IR 2872*)

**326 IAC 10-1-5 Compliance procedures**

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

Affected: IC 13-12

Sec. 5. Compliance with the requirements of this rule shall be demonstrated as follows:

(1) The owner or operator shall demonstrate initial compliance either by using a U.S. EPA or department certified continuous

emissions monitor (CEM) or by using the test methods and procedures that follow:

- (A) 326 IAC 3.
- (B) 40 CFR 60\*.

(2) After the date that the initial compliance with the emission limits in section 4 of this rule is demonstrated, an owner or operator who installed CEMs shall demonstrate continuous compliance using either U.S. EPA or department certified CEMs.

(3) After the date that initial compliance with the emissions limits in section 4 of this rule is demonstrated, an owner or operator who does not install continuous emissions monitors shall demonstrate compliance with the emissions limits in section 4 of this rule using test methods and procedures in 326 IAC 3 and 40 CFR 60\*, if required by the department.

(4) Notwithstanding the provisions in subdivision (1) or (2), the U.S. EPA or the department may require an owner or operator to conduct compliance testing using test methods and procedures in 326 IAC 3 and 40 CFR 60\*.

(5) An owner or operator shall conduct compliance tests within ninety (90) days of the receipt of a written request by the department or the U.S. EPA.

(6) All compliance tests shall be conducted according to a protocol developed following procedures in 326 IAC 3.

(7) Compliance tests shall be reported in a format following procedures in 326 IAC 3.

\*Copies of 40 CFR 60 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced material are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-5; filed May 13, 1996, 5:00 p.m.: 19 IR 2874*)

### **326 IAC 10-1-6 Emissions monitoring**

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

Affected: IC 13-12

Sec. 6. The owner or operator of a facility subject to this rule shall comply with the following emissions monitoring requirements:

(1) NO<sub>x</sub> continuous emissions monitors (CEMs) shall be installed at the following facilities:

(A) Steam generating units, including utility and industrial, commercial, or institutional steam generating units according to the requirements of 326 IAC 3.

(B) Each portland cement long dry kiln and preheater process kiln with production capacity equal to or greater than twenty (20) tons of clinker per hour.

(C) Each facility of the type listed in section 1(a)(2) of this rule unless the owner or operator demonstrates to the satisfaction of the department that a NO<sub>x</sub> continuous emissions monitor is not technically feasible after considering the following factors:

(i) The physical configuration and mode of operation of the facility.

(ii) The magnitude of and variability in NO<sub>x</sub> emissions.

(iii) The type of control measures employed to achieve compliance with the emissions limits in section 4 of this rule.

An owner or operator subject to this clause shall include in the demonstration an alternate method to demonstrate initial and continuous compliance with the emissions limits.

(2) NO<sub>x</sub> CEMs at facilities listed in subdivision (1) shall be certified according to procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable.

(3) Requirements that follow apply to NO<sub>x</sub> CEMs at facilities listed in subdivision (1):

(A) Operating and maintenance procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable.

(B) Data recording and reporting procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable, except that for the purpose of the excess emissions reporting requirement in 326 IAC 3, the excess emissions reported shall be those emissions that exceed the applicable emissions limits in section 4 of this rule.

\*Copies of 40 CFR 75 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-6; filed May 13, 1996, 5:00 p.m.: 19 IR 2874*)

**326 IAC 10-1-7 Certification, record keeping, and reports**

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

Sec. 7. (a) Except as specifically exempted in this rule, the owner or operator of an affected source shall submit the following documents:

- (1) A statement, signed by the owner or operator, certifying that the source has achieved compliance with the requirements of this rule.
- (2) Emissions compliance test reports.
- (3) Continuous emissions monitoring system performance evaluation reports.

(b) In addition to complying with the specific record keeping requirements of other sections of this rule, the owner or operator of an affected source shall comply with the following record keeping requirements:

- (1) Records shall be maintained for three (3) years.
- (2) Records required by this rule shall be submitted to the department or the U.S. EPA within thirty (30) days of receipt of a written request.
- (c) A source subject to this rule shall notify the department at least thirty (30) days prior to the addition or modification of a facility that may result in a potential increase in NO<sub>x</sub> emissions.

(d) The owner or operator of an affected source may comply with the reporting requirement of this rule by submitting to the department a substitute report. A substitute report is a report that satisfies an applicable state or federal reporting requirement and contains the information required to be submitted by this rule. (*Air Pollution Control Board; 326 IAC 10-1-7; filed May 13, 1996, 5:00 p.m.: 19 IR 2875*)

**Rule 2. (Reserved)**

**Rule 3. Nitrogen Oxide Reduction Program for Specific Source Categories**

**326 IAC 10-3-1 Applicability**

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

Sec. 1. (a) This rule applies to any of the following:

- (1) Portland cement kiln with process rates equal to or greater than:
  - (A) long dry kilns of twelve (12) tons per hour (tph);
  - (B) long wet kilns of ten (10) tph;
  - (C) preheater kilns of sixteen (16) tph; or
  - (D) precalciner and combined preheater and precalciner kilns of twenty-two (22) tph.
- (2) The following affected boilers:

Source	Point ID	Unit
(A) Bethlehem Steel Corporation	075	Boiler #7
	076	Boiler #8
	077	Boiler #9
	078	Boiler #10
	079	Boiler #11
	080	Boiler #12
(B) Ispat Inland Incorporated	280 & 281	Boiler #211
	282 & 283	Boiler #212
	284 & 285	Boiler #213
	330	Boiler #501
	330	Boiler #502

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	330	Boiler #503
(C) LTV Steel Company	020	Boiler #4
	021	Boiler #5
	022	Boiler #6
	023	Boiler #7
	024	Boiler #8
(D) U.S. Steel Company–Gary Works	720	Boiler #1
	720	Boiler #2
	720	Boiler #3
	701	Boiler #1
	701	Boiler #2
	701	Boiler #3
	701	Boiler #5
	701	Boiler #6

(3) Any other blast furnace gas fired boiler with a heat input greater than two hundred fifty million (250,000,000) British thermal units per hour.

(b) A unit subject to this rule and a New Source Performance Standard (NSPS), a National Emission Standard for Hazardous Air Pollutants, or an emission limit established under 326 IAC 2 shall comply with the limitations and requirements of the more stringent rule. For a unit subject to this rule and 326 IAC 10-1, compliance with the emission limits in section 3(a)(1)(A) of this rule during the ozone control period shall be deemed to be compliance with the emission limits in 326 IAC 10-1-4(b)(1) during the ozone control period, and such limits shall supersede those in 326 IAC 10-1-4(b)(1) during the ozone control period.

(c) The monitoring, record keeping, and reporting requirements under sections 4 and 5 of this rule shall not apply to a unit that opts into the NO<sub>x</sub> budget trading program under 326 IAC 10-4.

(d) The requirements of this rule shall not apply to the specific units subject to this rule during startup and shutdown periods and periods of malfunction.

(e) During periods of blast furnace reline, startup, and period of malfunction, the affected boilers shall not be required to meet the requirement to derive fifty percent (50%) of the heat input from blast furnace gas. (*Air Pollution Control Board; 326 IAC 10-3-1; filed Aug 17, 2001, 3:45 p.m.: 25 IR 14; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

### 326 IAC 10-3-2 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. 2. 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 and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise or unless the context clearly implies otherwise:

(1) “Blast furnace gas fired” means deriving at least fifty percent (50%) of its total heat input from the combustion of blast furnace gas during the ozone control period.

(2) “Boiler” means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other heat transfer medium.

(3) “Clinker” means the product of a Portland cement kiln from which finished cement is manufactured by milling and grinding.

(4) “Continuous emission monitoring system” or “CEMS” means the total equipment necessary for the determination of a gas or particulate matter concentration or emission rate using pollutant analyzer measurements and a conversion equation, graph, or computer program to produce results in units of the applicable emission limitation or standard.

(5) “Long dry kiln” means a Portland cement kiln fourteen (14) feet or larger in diameter and four hundred (400) feet or greater in length that employs no preheating of the feed. The inlet feed to the kiln is dry.

(6) “Long wet kiln” means a Portland cement kiln fourteen (14) feet or larger in diameter and four hundred (400) feet or greater in length that employs no preheating of the feed. The inlet feed to the kiln is a slurry.

(7) “Low-NO<sub>x</sub> burners” means a type of cement kiln burner system designed to lower NO<sub>x</sub> formation by controlling flame

turbulence, delaying fuel/air mixing, and establishing fuel-rich zones for initial combusting, that for firing of solid fuel by a kiln's main burner includes an indirect firing system or comparable technique for the main burner to lower the amount of primary combustion air supplied with the pulverized fuel. In an indirect firing system, one (1) air stream is used to convey pulverized fuel from the grinding equipment and another air stream is used to supply primary combustion air to the kiln burner with the pulverized fuel, with intermediate storage of the fuel.

(8) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(9) "Mid-kiln firing" means the secondary firing in a kiln system by injecting solid fuel at an intermediate point in the kiln system using a specially designed feed injection mechanism for the purpose of decreasing NO<sub>x</sub> emissions through:

(A) burning part of the fuel at a lower temperature; and

(B) reducing conditions at the fuel injection point that may destroy some of the NO<sub>x</sub> formed upstream in the kiln system.

(10) "Ozone control period" means the period as follows:

(A) For 2004, beginning May 31 and ending on September 30, inclusive.

(B) For 2005 and each year thereafter, beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(11) "Portland cement" means a hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one (1) or more of the forms of calcium sulfate as an interground addition.

(12) "Portland cement kiln" means a system, including any solid, gaseous, or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

(13) "Precalciner kiln" means a kiln where the feed to the kiln system is preheated in cyclone chambers and a second burner is used to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln that forms clinker.

(14) "Preheater kiln" means a Portland cement kiln where the feed to the kiln system is preheated in cyclone chambers prior to the final fusion in a kiln that forms clinker.

(15) "Semi-dry pre-calciner kiln" means a kiln where the inlet feed to the kiln system is a wet slurry. The wet slurry is subsequently processed in an integrated system consisting of a dryer and a separately fired pre-calciner, which in combination, dries the excess moisture from the feed stream (using only exhaust gases from the pre-calciner and kiln), and calcines the resulting dried material before introduction into the rotary kiln. The final fusion in the kiln forms the clinker.

(16) "Shutdown" means the cessation of operation of a Portland cement kiln or affected boiler for any purpose.

(17) "Startup" means the setting in operation of a Portland cement kiln or affected boiler for any purpose.

*(Air Pollution Control Board; 326 IAC 10-3-2; filed Aug 17, 2001, 3:45 p.m.: 25 IR 15)*

**326 IAC 10-3-3 Emissions limits**

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) After May 31, 2004, an owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during the ozone control period of each year unless the owner or operator complies with one (1) of the following:

(1) Operation of the kiln with one (1) of the following:

(A) Low-NO<sub>x</sub> burners.

(B) Mid-kiln firing.

(2) A limit on the amount of NO<sub>x</sub> emitted when averaged over the ozone control period as follows:

(A) For long wet kilns, six (6) pounds of NO<sub>x</sub> per ton of clinker produced.

(B) For long dry kilns, five and one-tenth (5.1) pounds of NO<sub>x</sub> per ton of clinker produced.

(C) For preheater kilns, three and eight-tenths (3.8) pounds of NO<sub>x</sub> per ton of clinker produced.

(D) For precalciner and combined preheater and precalciner kilns, two and eight-tenths (2.8) pounds of NO<sub>x</sub> per ton of clinker produced.

(3) Installation and use of alternative control techniques that may include kiln system modifications, such as conversions to semi-dry precalciner kiln processing, subject to department and U.S. EPA approval, that achieve a thirty percent (30%) emissions decrease from baseline ozone control period emissions. Baseline emissions shall be the average of the sum of ozone control period emissions



for the two (2) highest emitting years from 1995 through 2000 determined in accordance with subsection (d)(1).

(b) The owner or operator of any Portland cement kiln proposing to install and use an alternative control technique under subsection (a)(3) shall submit the proposed alternative control technique and calculation of baseline emissions with supporting documentation to the department and U.S. EPA for approval by May 1, 2003. The department shall include the approved plan with emission limitations in the source's operating permit.

(c) The owner or operator of any affected boiler subject to this rule shall limit NO<sub>x</sub> emissions to seventeen-hundredths pound of NO<sub>x</sub> per million Btus (0.17 lb/mmBtu) of heat input averaged over the ozone control period and ensure that greater than fifty percent (50%) of the heat input shall be derived from blast furnace gas averaged over an ozone control period. By May 1, 2003, the owner or operator of an affected boiler shall submit to the department a compliance plan for approval by the department and U.S. EPA including the following:

(1) Baseline stack test data, or proposed testing, for establishment of fuel specific emission factors, or the emission factors for the type of boiler from the Compilation of Air Pollutant Emission Factors (AP-42), Fifth Edition, January 1995\*, Supplements A through G, December 2000\*\* for each fuel to be combusted. The fuel specific emission factor shall be developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E\*\*\*, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the department, and must certify that the emissions testing is being conducted under representative conditions.

(2) Anticipated fuel usage and combination of fuels.

(3) If desired by the source, a proposal for averaging the emission limit and fuel allocation among commonly owned units, including the proposed methodology for determining compliance.

(d) Baseline ozone control period emissions shall be determined using one (1) of the following methods:

(1) The average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42), Fifth Edition, January 1995\*, Supplements A through G, December 2000\*\* and the NO<sub>x</sub> Control Technologies for the Cement Industry, Final Report, September 19, 2000\*\*\*\*.

(2) The site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E\*\*\*, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the department, and must certify that the emissions testing is being conducted under representative conditions.

(3) An alternate method for establishing the emissions factors, when submitted with supporting data to substantiate such emissions factors and approved by the department and U.S. EPA as set forth in subsection (b).

(4) For affected boilers, as outlined in the site specific compliance plan submitted under subsection (c).

\*\*\*/\*These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-3-3; filed Aug 17, 2001, 3:45 p.m.: 25 IR 16*)

**326 IAC 10-3-4 Monitoring and testing requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) Beginning May 31, 2004, and each ozone control period thereafter, any owner or operator of a Portland cement kiln complying with section 3(a)(1) of this rule shall operate and maintain the device according to a preventative maintenance plan prepared in accordance with 326 IAC 1-6-3.

(b) Beginning May 31, 2004, and each ozone control period thereafter, any owner or operator of a Portland cement kiln complying with section 3(a)(2) or 3(a)(3) of this rule shall monitor NO<sub>x</sub> emissions during the ozone control period of each year using a NO<sub>x</sub> CEMS in accordance with 40 CFR 60, Subpart A\* and 40 CFR 60, Appendix B\*, and comply with the quality assurance procedures specified in 40 CFR 60, Appendix F\* and 326 IAC 3, as applicable.

(c) Beginning May 31, 2004, and each ozone control period thereafter, any owner or operator of an affected boiler or commonly owned affected boilers shall monitor fuel usage and percentage of heat input derived from each fuel combusted to demonstrate that greater than fifty percent (50%) of the heat input is derived from blast furnace gas.

\*These documents are incorporated by reference and copies may be obtained from the Government Printing Office,

Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-3-4; filed Aug 17, 2001, 3:45 p.m.: 25 IR 16*)

**326 IAC 10-3-5 Record keeping and reporting**

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Beginning May 31, 2004, and each ozone control period thereafter, any owner or operator of a Portland cement kiln or affected boiler shall comply with the following record keeping and reporting requirements:

(1) An owner or operator of a Portland cement kiln complying with section 3(a)(1) of this rule shall create and maintain records that include, but are not limited to, the following:

(A) All routine and nonroutine maintenance, repair, or replacement performed on the device or devices.

(B) The date, time, and duration of any startup, shutdown, or malfunction in the operation of a kiln or the device or devices.

(2) An owner or operator of a Portland cement kiln complying with section 3(a)(2) or 3(a)(3) of this rule or an affected boiler shall create and maintain records that include, but are not limited to, the following:

(A) For Portland cement kilns, the following:

(i) Emissions, in pounds of NO<sub>x</sub> per ton of clinker produced from each affected Portland cement kiln.

(ii) Daily clinker production records.

(B) For affected boilers, daily records of the fuel usage, including percentages of different fuels combusted and heat input derived from each fuel, including the following:

(i) Type of fuel used.

(ii) Quantity of fuel used.

(iii) Fuel specific emission factor (lbs/million cubic feet (mmcft) gas or lbs/1,000 gal oil).

(iv) Fuel specific heat content (mmBtu/1,000 gal for oil or mmBtu/mmcft for gas).

(v) Emissions in lb/mmBtu.

(C) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any of the Portland cement kilns, affected boilers, or the emissions monitoring equipment.

(D) The results of any performance testing.

(E) If a unit is equipped with a CEMS, identification of time periods:

(i) during which NO<sub>x</sub> standards are exceeded, the reason for the exceedance, and action taken to correct the exceedance and to prevent similar future exceedances; and

(ii) for which operating conditions and pollutant data were not obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.

(F) All records required to be produced or maintained shall be retained on site for a period of five (5) years. The records shall be made available to the department or the U.S. EPA upon request.

(b) By May 31, 2004, the owner or operator of a Portland cement kiln shall submit to the department the following information:

(1) The identification number and type of each unit subject to this rule.

(2) The name and address of the plant where the unit is located.

(3) The name and telephone number of the person responsible for demonstrating compliance with this rule.

(4) Anticipated control measures, if any.

(c) The owner or operator of a Portland cement kiln subject to this rule shall submit a report documenting for that unit the total NO<sub>x</sub> emissions and the average NO<sub>x</sub> emission rate for the ozone control period of each year to the department by October 31, beginning in 2004 and each year thereafter. For Portland cement kilns complying with section 3(a)(1) of this rule, estimated emissions and emission rate shall be determined in accordance with section 3(d) of this rule or from CEMS data, if a Portland cement kiln is equipped with a CEMS as of the effective date of this rule.

(d) The owner or operator of a Portland cement kiln complying with section 3(a)(1) of this rule shall include a certification with the report under subsection (c) that the control technology was installed, operated, and maintained in accordance with this rule.

(e) The owner or operator of an affected boiler subject to this rule shall submit a report to the department documenting

compliance with all applicable requirements of this rule in accordance with its site specific compliance plan detailed under section 3(c) of this rule for the ozone control period of each year by October 31, beginning in 2004 and each year thereafter. (*Air Pollution Control Board; 326 IAC 10-3-5; filed Aug 17, 2001, 3:45 p.m.: 25 IR 17*)

### **326 IAC 10-3-6 Violations**

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

Affected: IC 13-15; IC 13-17

Sec. 6. For purposes of determining the number of days of violations, if a Portland cement kiln or affected boiler has excess emissions for an ozone control period, each day in the ozone control period constitutes a day in violation unless the owners and operators demonstrate that a lesser number of days should be considered. (*Air Pollution Control Board; 326 IAC 10-3-6; filed Aug 17, 2001, 3:45 p.m.: 25 IR 18*)

## **Rule 4. Nitrogen Oxides Budget Trading Program**

### **326 IAC 10-4-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes a NO<sub>x</sub> emissions budget and NO<sub>x</sub> trading program for electricity generating units and large affected units as described in this rule. The following units shall be NO<sub>x</sub> budget units, and any source that includes one (1) or more NO<sub>x</sub> budget units shall be a NO<sub>x</sub> budget source, and shall be subject to the requirements of this rule:

(1) An electricity generating unit (EGU) as defined under section 2(16) of this rule.

(2) A large affected unit as defined in section 2(27) of this rule.

(b) A unit described under subsection (a) shall not be a NO<sub>x</sub> budget unit, if the unit has a federally enforceable permit that meets the requirements of subdivisions (1) through (3):

(1) The federally enforceable permit includes terms and conditions that restrict the unit to burning only natural gas or fuel oil during the ozone control period in 2004 or the first year of operation for the source and each ozone control period thereafter.

(2) The federally enforceable permit includes terms and conditions that restrict the unit's potential NO<sub>x</sub> mass emissions for the ozone control period to twenty-five (25) tons or less.

(3) For each ozone control period, the federally enforceable permit must do the following:

(A) Restrict the unit to burning only natural gas or fuel oil during an ozone control period in 2004 or later and each ozone control period thereafter.

(B) Include one (1) of the following mechanisms for ensuring that the unit's ozone control period NO<sub>x</sub> emissions do not exceed twenty-five (25) tons:

(i) Limit the unit's total actual control period emissions to twenty-five (25) tons of NO<sub>x</sub> emissions, measured by a continuous emissions monitoring system (CEMS) in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule or monitoring approved under 40 CFR 75, Appendix E\*.

(ii) Restrict the unit's operating hours to the number calculated by dividing twenty-five (25) tons of potential NO<sub>x</sub> mass emissions by the unit's maximum potential hourly NO<sub>x</sub> mass emissions, where the unit's potential NO<sub>x</sub> mass emissions shall be calculated as follows:

(AA) Select the default NO<sub>x</sub> emission rate in 40 CFR 75.19(c), Table LM-2\* that would otherwise be applicable assuming that the unit burns only the type of fuel, for example, only natural gas or only fuel oil, that has the highest default NO<sub>x</sub> emission factor of any type of fuel that the unit is allowed to burn under the fuel use restriction in clause (A).

(BB) Multiply the default NO<sub>x</sub> emission rate under subitem (AA) by the unit's maximum rated hourly heat input. The owner or operator of the unit may petition the department to use a lower value for the unit's maximum rated hourly heat input than the value as defined under section 2(25) of this rule. The department may approve the lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative,

and that the lower value is representative, of the unit's current capabilities because modifications have been made to the unit, limiting its capacity permanently.

(iii) Restrict the unit's usage of each fuel that it is authorized to burn such that the unit's potential NO<sub>x</sub> mass emissions will not exceed twenty-five (25) tons per ozone control period, calculated as follows:

(AA) Identify the default NO<sub>x</sub> emission rate in 40 CFR 75.19(c), Table LM-2\* or an alternative emission rate determined in accordance with 40 CFR 75.19(c)(1)(iv)\* for each type of fuel that the unit is allowed to burn under the fuel use restriction in clause (A).

(BB) Identify the amount of each type of fuel (in mmBtu) that the unit burned during the ozone control period.

(CC) For each type of fuel identified in subitem (BB), multiply the default NO<sub>x</sub> emission rate under subitem (AA) and the amount (in mmBtu) of the fuels burned by the unit during the ozone control period.

(DD) Sum the products in subitem (CC) to verify that the unit's NO<sub>x</sub> emissions were equal to or less than twenty-five (25) tons.

(C) Require that the owner or operator of the unit shall retain records, on site at the source or at a central location within Indiana for those owner or operators with unattended sources that includes the unit for a period of five (5) years, demonstrating that the terms and conditions of the permit related to these restrictions were met. Records retained at a central location within Indiana shall be available immediately at the location and submitted to the department or U.S. EPA within three (3) business days following receipt of a written request. Nothing in this clause shall alter the record retention requirements for a source under 40 CFR 75\*.

(D) Require that the owner or operator of the unit shall report the unit's hours of operation, treating any partial hour of operation as a whole hour of operation, or such other parameter as is being used to demonstrate compliance with the twenty-five (25) ton per ozone control period during each ozone control period to the department by November 1 of each year for which the unit is subject to the federally enforceable permit.

The unit shall be subject only to the requirements of this subsection starting with the effective date of the federally enforceable permit under subdivision (1).

(4) Within thirty (30) days after a final decision, the department shall notify the U.S. EPA in writing when a unit under subsection (a):

(A) is issued a federally enforceable permit under this subsection; or

(B) whose federally enforceable permit issued by the department under this subsection:

(i) is revised to remove any restriction;

(ii) includes any restriction that is no longer applicable; or

(iii) does not comply with any restriction.

(5) A unit described under this subsection shall be a NO<sub>x</sub> budget unit, subject to the requirements of this rule if one (1) of the following occurs for any ozone control period:

(A) The fuel use restriction under subdivision (3)(A) or the applicable restriction under subdivision (3)(B) is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable.

(B) The unit does not comply with the fuel use restriction under subdivision (3)(A) or the applicable restriction under subdivision (3)(B).

The unit shall be treated as commencing operation and, for a unit under subsection (a)(1), commencing commercial operation on September 30 of the ozone control period for which the fuel use restriction or the applicable restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the applicable restriction.

(6) A unit exempt under this subsection shall comply with the restriction in subdivision (3) during the ozone control period in each year.

(7) The department will allocate NO<sub>x</sub> allowances to the unit under section 9(d) of this rule. For each control period for which the unit is allocated NO<sub>x</sub> allowances under section 9(d) of this rule:

(A) the owners and operators of the unit must specify a general account, in which U.S. EPA will record the NO<sub>x</sub> allowances; and

(B) after U.S. EPA records the NO<sub>x</sub> allowance allocation under section 9(d) of this rule, the U.S. EPA will deduct, from the general account in clause (A), NO<sub>x</sub> allowances that are allocated for the same or a prior ozone control period as the NO<sub>x</sub> allowances allocated under section 9(d) of this rule and that equal the NO<sub>x</sub> emission limitation (in tons of NO<sub>x</sub>) on which the unit's exemption under this subsection is based. The NO<sub>x</sub> authorized account representative shall ensure that the general account contains the NO<sub>x</sub> allowances necessary for completion of the deduction.

(c) A unit subject to 40 CFR 97\* shall be subject to the requirements of this rule on May 1, 2004. Allowances for such unit shall be allocated in accordance with section 9 of this rule for the 2004 ozone control period and thereafter. Allowances from the compliance supplement pool shall be allocated in accordance with section 15 of this rule and any banked allowances shall be available for use under this rule beginning in 2004. A unit subject to 40 CFR 97\* may petition the commissioner for an extension of the compliance date from May 1, 2004, to a date no later than May 31, 2004, and the commissioner shall grant the petition if but only if final U.S. EPA action, final federal legislation, or an order from a court of competent jurisdiction delays the compliance date under 40 CFR 97\* beyond May 1, 2004.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-1; filed Aug 17, 2001, 3:45 p.m.: 25 IR 18*)

**326 IAC 10-4-2 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. 2. 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 and 326 IAC 1-2, the following definitions apply throughout this rule, unless expressly stated otherwise or unless the context clearly implies otherwise:

(1) "Account certificate of representation" means the completed and signed submission required by section 6 of this rule for certifying the designation of a NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget source or a group of identified NO<sub>x</sub> budget sources who is authorized to represent the owners and operators of the source or sources and of the NO<sub>x</sub> budget units at the source or sources with regard to matters under the NO<sub>x</sub> budget trading program.

(2) "Account number" means the identification number given by the U.S. EPA to each NO<sub>x</sub> allowance tracking system account.

(3) "Acid rain emissions limitation" means, as defined in 40 CFR 72.2\*, a limitation on emissions of sulfur dioxide or nitrogen oxides under the acid rain program under Title IV of the Clean Air Act (CAA).

(4) "Allocate" or "allocation" means the determination by the department or the U.S. EPA of the number of NO<sub>x</sub> allowances to be initially credited to a NO<sub>x</sub> budget unit or an allocation set-aside.

(5) "Automated data acquisition and handling system" or "DAHS" means that component of the CEMS, or other emissions monitoring system approved for use under 40 CFR 75, Subpart H\*, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by 40 CFR 75, Subpart H\*.

(6) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other heat transfer medium.

(7) "Combined cycle system" means a system comprised of one (1) or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(8) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(9) "Commence commercial operation" means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation subject to the following:

(A) Except as provided in section 3 of this rule, for a unit that is a NO<sub>x</sub> budget unit under section 1 of this rule on the date the unit commences commercial operation, the date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered.

(B) Except as provided in section 3 or 13 of this rule, for a unit that is not a NO<sub>x</sub> budget unit under section 1 of this rule on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> budget unit under section 1 of this rule shall be the unit's date of commencement of commercial operation.

(10) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, startup of a unit's combustion chamber subject to the following:

- (A) Except as provided in section 3 of this rule, for a unit that is a NO<sub>x</sub> budget unit under section 1 of this rule on the date of commencement of operation, the date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.
- (B) Except as provided in section 3 or 13 of this rule, for a unit that is not a NO<sub>x</sub> budget unit under section 1 of this rule on the date of commencement of operation, the date the unit becomes a NO<sub>x</sub> budget unit under section 1 of this rule shall be the unit's date of commencement of operation.
- (11) "Common stack" means a single flue through which emissions from two (2) or more units are exhausted.
- (12) "Compliance account" means a NO<sub>x</sub> allowance tracking system account, established by the U.S. EPA for a NO<sub>x</sub> budget unit under section 10 of this rule, in which the NO<sub>x</sub> allowance allocations for the unit are initially recorded and in which are held NO<sub>x</sub> allowances available for use by the unit for an ozone control period for the purpose of meeting the unit's NO<sub>x</sub> budget emissions limitation.
- (13) "Compliance certification" means a submission to the department or the U.S. EPA, as appropriate, that is required under section 8 of this rule to report a NO<sub>x</sub> budget source's or a NO<sub>x</sub> budget unit's compliance or noncompliance with this rule and that is signed by the NO<sub>x</sub> authorized account representative in accordance with section 6 of this rule.
- (14) "Continuous emission monitoring system" or "CEMS" means the equipment required under 40 CFR 75, Subpart H\* to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for NO<sub>x</sub>. The following systems are component parts included, consistent with 40 CFR 75\*, in a continuous emission monitoring system:
- (A) Flow monitor.
  - (B) Nitrogen oxides pollutant concentration monitors.
  - (C) Diluent gas monitor, oxygen or carbon dioxide, when the monitoring is required by 40 CFR 75, Subpart H\*.
  - (D) A continuous moisture monitor when the monitoring is required by 40 CFR 75, Subpart H\*.
  - (E) An automated data acquisition and handling system.
- (15) "Electricity for sale under firm contract to the grid" means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.
- (16) "Electricity generating unit" or "EGU" means the following:
- (A) For units that commenced operation before January 1, 1997, a unit serving a generator during 1995 or 1996 that had a nameplate capacity greater than twenty-five (25) megawatts and produced electricity for sale under a firm contract to the electric grid.
  - (B) For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit serving a generator during 1997 or 1998 that had a nameplate capacity greater than twenty-five (25) megawatts and produced electricity for sale under a firm contract to the electric grid.
  - (C) For units that commenced operation on or after January 1, 1999, a unit serving a generator at any time that has a nameplate capacity greater than twenty-five (25) megawatts and produces electricity for sale.
- (17) "Emissions", for the purpose of this rule, means nitrogen oxides exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the U.S. EPA by the NO<sub>x</sub> authorized account representative and as determined by the U.S. EPA in accordance with 40 CFR 75, Subpart H\*.
- (18) "Energy efficiency or renewable energy projects" means any of the following implemented in Indiana:
- (A) End-use energy efficiency projects, including demand-side management programs.
  - (B) Highly efficient electricity generation for the predominant use of a single end user, such as combined cycle, combined heat and power, microturbines, and fuel cell systems. In order to be considered as highly efficient electricity generation under this clause, combined cycle, combined heat and power, microturbines, and fuel cell generating systems must meet or exceed the following thresholds:
    - (i) For combined heat and power projects generating both electricity and thermal energy for space, water, or industrial process heat, rated energy efficiency of sixty percent (60%).
    - (ii) For microturbine projects rated at or below five hundred (500) kilowatts generating capacity, rated energy efficiency of forty percent (40%).
    - (iii) For combined cycle projects rated at greater than five hundred (500) kilowatts, rated energy efficiency of fifty percent (50%).
    - (iv) For fuel cell systems, rated energy efficiency of forty percent (40%), whether or not the fuel cell system is part of a combined heat and power energy system.

(C) Zero-emission renewable energy projects, including wind, photovoltaic, and hydropower projects. Eligible hydropower projects are restricted to systems employing a head of ten (10) feet or less or systems employing a head greater than ten (10) feet that make use of a dam that existed prior to the effective date of this rule.

(D) Energy efficiency projects generating electricity through the capture of methane gas from sanitary landfills, water treatment plants, or sewage treatment plants.

(E) The installation of highly efficient electricity generation equipment for the sale of power where such equipment replaces or displaces retired electrical generating units. In order to be considered as highly efficient under this clause, generation equipment must meet or exceed the following energy efficiency thresholds:

(i) For coal-fired electrical generation units, rated energy efficiency of forty-two percent (42%).

(ii) For natural gas-fired electrical generating units, rated energy efficiency of fifty percent (50%).

(F) Improvements to existing fossil fuel fired electrical generation units that increase the efficiency of the unit and decrease the heat rate used to generate electricity.

Energy efficiency or renewable energy projects do not include nuclear power projects. This definition is solely for the purposes of implementing this rule and does not apply in other contexts.

(19) "Energy Information Administration" means the Energy Information Administration of the United States Department of Energy.

(20) "Excess emissions" means any tonnage of NO<sub>x</sub> emitted by a NO<sub>x</sub> budget unit during an ozone control period that exceeds the NO<sub>x</sub> budget emissions limitation for the unit.

(21) "Fossil fuel" means any of the following:

(A) Natural gas.

(B) Petroleum.

(C) Coal.

(D) Any form of solid, liquid, or gaseous fuel derived from the above material.

(22) "Fossil fuel-fired" means, with regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, under any of the following scenarios:

(A) Fossil fuel actually combusted comprises more than fifty percent (50%) of the annual heat input on a British thermal unit (Btu) basis during any year starting in 1995. If a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995.

(B) Fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input on a Btu basis during any year, provided that the unit shall be fossil fuel-fired as of the date, during the year, that the unit begins combusting fossil fuel.

(23) "General account" means a NO<sub>x</sub> allowance tracking system account, established under section 10 of this rule, that is not a compliance account or an overdraft account.

(24) "Generator" means a device that produces electricity.

(25) "Heat input" means the product, in million British thermal units per unit of time (mmBtu/time), of the following:

(A) The gross calorific value of the fuel, in British thermal units per pound (Btu/lb).

(B) The fuel feed rate into a combustion device, in mass of fuel per unit of time (lb/time), as measured, recorded, and reported to the U.S. EPA by the NO<sub>x</sub> authorized account representative and as determined by the U.S. EPA in accordance with 40 CFR 75, Subpart H\*.

Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(26) "Heat input rate" means the amount of heat input (in mmBtu) divided by unit operating time (in hours) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hours) during which the unit combusts the fuel.

(27) "Large affected unit" means the following:

(A) For units that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.

(B) For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit that has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and that did not serve during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.

(C) For units that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour that:

- (i) at no time serves a generator producing electricity for sale; or
- (ii) at any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of twenty-five (25) megawatts or less and has the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit.

Large affected unit does not include a unit subject to 326 IAC 10-3.

(28) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of the unit's total costs, pursuant to a contract:

- (A) for the life of the unit;
- (B) for a cumulative term of no less than thirty (30) years, including contracts that permit an election for early termination; or
- (C) for a period equal to or greater than twenty-five (25) years or seventy percent (70%) of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(29) "Maximum design heat input" means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

(30) "Maximum potential hourly heat input" means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. The unit may use either of the following:

- (A) 40 CFR 75, Appendix D\* to report heat input. Calculate this value in accordance with 40 CFR 75\*, using the maximum fuel flow rate and the maximum gross calorific value.
- (B) A flow monitor and a diluent gas monitor. Report this value in accordance with 40 CFR 75\*, using the maximum potential flow rate and either of the following:
  - (i) The maximum carbon dioxide (CO<sub>2</sub>) concentration, in percent of CO<sub>2</sub>.
  - (ii) The minimum oxygen (O<sub>2</sub>) concentration, in percent of O<sub>2</sub>.

(31) "Maximum potential NO<sub>x</sub> emission rate" means:

- (A) the emission rate of nitrogen oxides, in pounds per million British thermal units (lb/mmBtu);
- (B) calculated in accordance with 40 CFR 75, Appendix F, Section 3\*;
- (C) using the maximum potential nitrogen oxides concentration as defined in 40 CFR 75, Appendix A, Section 2\*; and
- (D) either the:
  - (i) maximum oxygen (O<sub>2</sub>) concentration in percent of O<sub>2</sub>; or
  - (ii) minimum carbon dioxide (CO<sub>2</sub>) concentration in percent of CO<sub>2</sub>;

under all operating conditions of the unit except for unit start up, shutdown, and upsets.

(32) "Maximum rated hourly heat input" means a unit-specific maximum hourly heat input, in million British thermal units (mmBtu), that is the higher of either the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

(33) "Monitoring system" means any monitoring system that meets the requirements of 40 CFR 75, Subpart H\*, including the following:

- (A) A continuous emissions monitoring system.
- (B) An excepted monitoring system under 40 CFR 75.19\* or 40 CFR 75, Appendix D or E\*.
- (C) An alternative monitoring system.

(34) "Most stringent state or federal NO<sub>x</sub> emissions limitation" means, with regard to a NO<sub>x</sub> budget opt-in source, the lowest NO<sub>x</sub> emissions limitation, in terms of pounds per million British thermal units (lb/mmBtu), that is applicable to the unit under state or federal law, regardless of the averaging period to which the emissions limitation applies.

(35) "Nameplate capacity" means the maximum electrical generating output, in megawatt electrical (MWe), that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(36) "Nontitle V permit" means a federally enforceable permit issued by the department under 326 IAC 2-8.

(37) "NO<sub>x</sub> allowance" means an authorization by the department or the U.S. EPA under the nitrogen oxides (NO<sub>x</sub>) budget trading program to emit up to one (1) ton of NO<sub>x</sub> during the ozone control period of the specified year or of any year



thereafter, except as provided in section 14(b) of this rule. “NO<sub>x</sub> allowance” also includes an authorization to emit up to one (1) ton of nitrogen oxides during the ozone control period of the specified year or of any year thereafter by the U.S. EPA under 40 CFR 97\* or by a permitting authority in accordance with a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA.

(38) “NO<sub>x</sub> allowance deduction” or “deduct NO<sub>x</sub> allowances” means the permanent withdrawal of NO<sub>x</sub> allowances by the U.S. EPA from a NO<sub>x</sub> allowance tracking system compliance account or overdraft account to account for the number of tons of NO<sub>x</sub> emissions from a NO<sub>x</sub> budget unit for an ozone control period, determined in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule, or for any other allowance surrender obligation under this rule.

(39) “NO<sub>x</sub> allowance tracking system” means the system by which the U.S. EPA records allocations, deductions, and transfers of NO<sub>x</sub> allowances under the NO<sub>x</sub> budget trading program.

(40) “NO<sub>x</sub> allowance tracking system account” means an account in the NO<sub>x</sub> allowance tracking system established by the U.S. EPA for purposes of recording the allocation, holding, transferring, or deducting of NO<sub>x</sub> allowances.

(41) “NO<sub>x</sub> allowance transfer deadline” means midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO<sub>x</sub> allowances may be submitted for recordation in a NO<sub>x</sub> budget unit’s compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit’s NO<sub>x</sub> budget emissions limitation for the ozone control period immediately preceding the deadline.

(42) “NO<sub>x</sub> allowances held” or “hold NO<sub>x</sub> allowances” means the NO<sub>x</sub> allowances recorded by the U.S. EPA, or submitted to the U.S. EPA for recordation, in accordance with sections 10 and 11 of this rule, in a NO<sub>x</sub> allowance tracking system account.

(43) “NO<sub>x</sub> authorized account representative” means either of the following:

(A) For a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO<sub>x</sub> budget units at the source, in accordance with section 6 of this rule, to represent and legally bind each owner and operator in matters pertaining to the NO<sub>x</sub> budget trading program.

(B) For a general account, the natural person who is authorized, in accordance with section 10 of this rule, to transfer or otherwise dispose of NO<sub>x</sub> allowances held in the general account.

(44) “NO<sub>x</sub> budget emissions limitation” means, for a NO<sub>x</sub> budget unit, the tonnage equivalent of the NO<sub>x</sub> allowances available for compliance deduction for the unit and for an ozone control period under sections 10(i) and 10(k) of this rule, adjusted by any deductions of the NO<sub>x</sub> allowances for any of the following reasons:

(A) To account for excess emissions for a prior ozone control period under section 10(k)(5) of this rule.

(B) To account for withdrawal from the NO<sub>x</sub> budget trading program.

(C) For a change in regulatory status, for a NO<sub>x</sub> budget opt-in source under section 13(g) through 13(i) of this rule.

(45) “NO<sub>x</sub> budget opt-in permit” means a NO<sub>x</sub> budget permit covering a NO<sub>x</sub> budget opt-in source.

(46) “NO<sub>x</sub> budget opt-in source” means a source that includes one (1) or more NO<sub>x</sub> budget units:

(A) that has elected to become a NO<sub>x</sub> budget source under the NO<sub>x</sub> budget trading program; and

(B) whose NO<sub>x</sub> budget opt-in permit has been issued and is in effect under section 13 of this rule.

(47) “NO<sub>x</sub> budget permit” means the legally binding and federally enforceable written document, or portion of the document:

(A) issued by the department under this rule, including any permit revisions; and

(B) specifying the NO<sub>x</sub> budget trading program requirements applicable to the following:

(i) A NO<sub>x</sub> budget source.

(ii) Each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source.

(iii) The owners and operators and the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit.

(48) “NO<sub>x</sub> budget source” means a source that includes one (1) or more NO<sub>x</sub> budget units.

(49) “NO<sub>x</sub> budget trading program” means a multistate nitrogen oxides air pollution control and emission reduction program established in accordance with this rule, 40 CFR 97\*, and a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

(50) “NO<sub>x</sub> budget unit” means a unit that is subject to the NO<sub>x</sub> budget trading program emissions limitation under section 1(a) or 13(a) of this rule.

(51) “Operating” means, with regard to a unit under sections 7(c)(4)(B) and 13(a) of this rule, having documented heat input for more than eight hundred seventy-six (876) hours in the six (6) months immediately preceding the submission of an

application for an initial NO<sub>x</sub> budget permit under section 13(d) of this rule.

(52) "Operator" means any person who operates, controls, or supervises a NO<sub>x</sub> budget unit, a NO<sub>x</sub> budget source, or a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn and shall include, but not be limited to, any holding company, utility system, or plant manager of a unit or source.

(53) "Opt-in" means to elect to become a NO<sub>x</sub> budget unit under the NO<sub>x</sub> budget trading program through a final, effective NO<sub>x</sub> budget opt-in permit under section 13 of this rule.

(54) "Overdraft account" means the NO<sub>x</sub> allowance tracking system account, established by the U.S. EPA under section 10 of this rule, for each NO<sub>x</sub> budget source where there are two (2) or more NO<sub>x</sub> budget units.

(55) "Owner" means any of the following persons:

(A) Any holder of any portion of the legal or equitable title in a NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(B) Any holder of a leasehold interest in a NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(C) Any purchaser of power from a NO<sub>x</sub> budget unit or from a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through the lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> budget unit or the unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(D) With respect to any general account, any person who has an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account and who is subject to the binding agreement for the NO<sub>x</sub> authorized account representative to represent that person's ownership interest with respect to NO<sub>x</sub> allowances.

(56) "Ozone control period" means the period as follows:

(A) For 2004, the following:

(i) For units not subject to 40 CFR 97\*, beginning May 31 and ending on September 30, inclusive.

(ii) For units subject to 40 CFR 97\*, beginning May 1 and ending on September 30, inclusive.

(B) For 2005 and each year thereafter, beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(57) "Percent monitor data availability" means, for purposes of sections 13(e)(2) and 15(b)(1)(D) of this rule, total unit operating hours for which quality-assured data were recorded under 40 CFR 75, Subpart H\* and section 12 of this rule in a control period, divided by the total number of unit operating hours per control period, and multiplied by one hundred percent (100%).

(58) "Potential electrical output capacity" means thirty-three percent (33%) of a unit's maximum design heat input.

(59) "Rated energy efficiency" means the percentage of gross energy input that is recovered as useable net energy output in the form of electricity or thermal energy, or both, that is used for heating, cooling, industrial processes, or other beneficial uses as follows:

(A) For electric generators, rated energy efficiency is calculated as one (1) net kilowatt hour (three thousand four hundred twelve (3,412) British thermal units) of electricity divided by the unit's design heat rate using the higher heating value of the fuel.

(B) For combined heat and power projects, rated energy efficiency is calculated using the following formula:

$$\text{Eff}\% = (\text{NEO} + \text{UTO})/\text{GEI}$$

Where: Eff% = Rated energy efficiency

NEO = Net electrical output of the system converted to British thermal units per unit of time.

UTO = Utilized thermal output or the energy value in British thermal units of thermal energy from the system that is used for heating, cooling, industrial processes, or other beneficial uses, per unit of time.

GEI = Gross energy input, based upon the higher heating value of fuel, per unit of time.

(60) "Receive" or "receipt of" means, when referring to the department or the U.S. EPA, to come into possession of a document, information, or correspondence, whether sent in writing or by authorized electronic transmission, as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the department or the U.S. EPA in the regular course of business.

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(61) "Recordation", "record", or "recorded" means, with regard to NO<sub>x</sub> allowances, the movement of NO<sub>x</sub> allowances by the U.S. EPA from one (1) NO<sub>x</sub> allowance tracking system account to another, for purposes of allocation, transfer, or deduction.

(62) "Reference method" means any direct test method of sampling and analyzing for an air pollutant as specified in 40 CFR 60, Appendix A\*.

(63) "Repowered natural gas-fired generating unit", for the purposes of this rule, means an electricity generating unit that is fueled by natural gas and provides steam to a generation turbine that was previously served by a coal-fired unit that was retired in 2000 or later.

(64) "Serial number" means, when referring to NO<sub>x</sub> allowances, the unique identification number assigned to each NO<sub>x</sub> allowance by the U.S. EPA, under section 10(e) through 10(g) of this rule.

(65) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of Section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.

(66) "Submit" or "serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

- (A) in person;
- (B) by United States Postal Service; or
- (C) by other means of dispatch or transmission and delivery.

Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(67) "Title V operating permit" means a permit issued under 326 IAC 2-7.

(68) "Title V operating permit regulations" means the rules under 326 IAC 2-7.

(69) "Ton" or "tonnage" means any short ton, two thousand (2,000) pounds. For the purpose of determining compliance with the NO<sub>x</sub> budget emissions limitation, total tons for an ozone control period shall be calculated as the sum of all recorded hourly emissions, or the tonnage equivalent of the recorded hourly emissions rates, in accordance with 40 CFR 75, Subpart H\*, with any remaining fraction of a ton equal to or greater than fifty-hundredths (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than fifty-hundredths (0.50) ton deemed to equal zero (0) tons.

(70) "Trading program budget" means the total number of NO<sub>x</sub> tons apportioned to all NO<sub>x</sub> budget units, in accordance with the NO<sub>x</sub> budget trading program, for use in a given ozone control period.

(71) "Unit" means a fossil fuel-fired:

- (A) stationary boiler;
- (B) combustion turbine; or
- (C) combined cycle system.

(72) "Unit operating day" means a calendar day in which a unit combusts any fuel.

(73) "Unit operating hour" or "hour of unit operation" means any hour, or fraction of an hour, during which a unit combusts any fuel.

(74) "United States Environmental Protection Agency" or "U.S. EPA" means the administrator of the U.S. EPA or the administrator's duly authorized representative. The department authorizes the U.S. EPA to assist the department in implementing this rule by carrying out the functions set forth for the U.S. EPA in this rule.

(75) "Utilization" means the heat input, expressed in million British thermal units per unit of time, for a unit. The unit's total heat input for the ozone control period in each year shall be determined in accordance with 40 CFR 75\* if the NO<sub>x</sub> budget unit was otherwise subject to the requirements of 40 CFR 75\* for the year, or shall be based on the best available data reported to the U.S. EPA for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75\* for the year.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-2; filed Aug 17, 2001, 3:45 p.m.: 25 IR 19; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

### **326 IAC 10-4-3 Retired unit exemption**

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

Affected: IC 13-15; IC 13-17

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Sec. 3. (a) This section applies to any NO<sub>x</sub> budget unit, other than a NO<sub>x</sub> budget opt-in source, that is permanently retired.

(b) Any NO<sub>x</sub> budget unit, other than a NO<sub>x</sub> budget opt-in source, that is permanently retired shall be exempt from the NO<sub>x</sub> budget trading program, except for the provisions of this section and sections 1, 2, 5, and 9 through 11 of this rule.

(c) An exemption under this section shall become effective the day on which the unit is permanently retired. Within thirty (30) days of permanent retirement, the NO<sub>x</sub> authorized account representative, authorized in accordance with section 6 of this rule, shall submit a notice to the department and the U.S. EPA. The notice shall state, in a format prescribed by the department, that the unit:

(1) is permanently retired; and

(2) shall comply with the requirements of subsection (e).

(d) After receipt of the notice under subsection (c), the department shall amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under subsections (b) and (e).

(e) A unit exempt under this section shall comply with the following provisions:

(1) The unit shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

(2) The owners and operators of the unit shall be allocated allowances in accordance with section 9 of this rule. For each ozone control period for which the unit is allocated one (1) or more NO<sub>x</sub> allowances, the owners and operators of the unit shall specify a general account, in which U.S. EPA will record the NO<sub>x</sub> allowances.

(3) If the unit is located at a source that is required, or but for this exemption would be required, to have an operating permit under 326 IAC 2-7, the unit shall not resume operation unless the NO<sub>x</sub> authorized account representative of the source submits a complete NO<sub>x</sub> budget permit application under section 7(c) of this rule for the unit not less than two hundred seventy (270) days prior to the later of:

(A) May 31, 2004; or

(B) the date on which the unit is to first resume operation.

(4) If the unit is located at a source that is required, or but for this exemption would be required, to have a FESOP permit under 326 IAC 2-8, the unit shall not resume operation unless the NO<sub>x</sub> authorized account representative of the source submits a complete NO<sub>x</sub> budget permit application under section 7(c) of this rule for the unit not less than two hundred seventy (270) days prior to the later of:

(A) May 31, 2004; or

(B) the date on which the unit is to first resume operation.

(5) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative shall comply with the requirements of the NO<sub>x</sub> budget trading program concerning all periods for which the exemption is not in effect, even if the requirements arise, or must be complied with, after the exemption takes effect.

(6) A unit that is exempt under this section is not eligible to be a NO<sub>x</sub> budget opt-in unit under section 13 of this rule.

(7) The owners and operators shall retain records at the source, or at a central location within Indiana for those owners or operators with unattended sources, demonstrating that the unit is permanently retired for a period of five (5) years. The five (5) year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the department or the U.S. EPA. The owners and operators bear the burden of proof that the unit is permanently retired. Records retained at a central location within Indiana shall be available immediately at the location and submitted to the department or U.S. EPA within three (3) business days following receipt of a written request. Nothing in this subdivision shall alter the record retention requirements for a source under 40 CFR 75\*.

(8) A unit exempt under subsection (b) shall lose its exemption on the earlier of the following dates:

(A) The date on which the NO<sub>x</sub> authorized account representative submits a NO<sub>x</sub> budget permit application under subdivision (3) or (4).

(B) The date on which the NO<sub>x</sub> authorized account representative is required under subdivision (3) or (4) to submit a NO<sub>x</sub> budget permit application.

For the purpose of applying monitoring requirements under 40 CFR 75, Subpart H\*, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-3; filed Aug 17, 2001, 3:45 p.m.: 25 IR 25*)

**326 IAC 10-4-4 Standard requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) The owners, operators, and NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source shall comply with the following permit requirements:

(1) The NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source required to have a federally enforceable permit and each NO<sub>x</sub> budget unit required to have a federally enforceable permit at the source shall submit the following:

(A) A complete NO<sub>x</sub> budget permit application under section 7(c) of this rule to the department in accordance with the deadlines specified in section 7(b) of this rule.

(B) Any supplemental information that the department determines is necessary in order to review a NO<sub>x</sub> budget permit application in a timely manner and issue or deny a NO<sub>x</sub> budget permit.

(2) The owners and operators of each NO<sub>x</sub> budget source required to have a federally enforceable permit and each NO<sub>x</sub> budget unit required to have a federally enforceable permit at the source shall have a NO<sub>x</sub> budget permit and operate the unit in compliance with the NO<sub>x</sub> budget permit.

(3) The owners and operators of a NO<sub>x</sub> budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NO<sub>x</sub> budget permit application, nor to have a NO<sub>x</sub> budget permit, under section 7 of this rule for the NO<sub>x</sub> budget source.

(b) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall comply with the following monitoring requirements:

(1) The monitoring requirements of 40 CFR 75\* and section 12 of this rule.

(2) The emissions measurements recorded and reported in accordance with 40 CFR 75\* and section 12 of this rule shall be used to determine compliance by the unit with the NO<sub>x</sub> budget emissions limitation under subsection (c).

(c) The owners and operators of each NO<sub>x</sub> budget source shall comply with the following NO<sub>x</sub> requirements:

(1) The owners and operators of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under section 10(j) of this rule, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount:

(A) not less than the total NO<sub>x</sub> emissions for the ozone control period from the unit, as determined in accordance with 40 CFR 75\* and section 12 of this rule;

(B) to account for excess emissions for a prior ozone control period under section 10(k)(5) of this rule; or

(C) to account for withdrawal from the NO<sub>x</sub> budget trading program, or a change in regulatory status of a NO<sub>x</sub> budget opt-in unit.

(2) Each ton of NO<sub>x</sub> emitted in excess of the NO<sub>x</sub> budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and this rule.

(3) A NO<sub>x</sub> budget unit shall be subject to the requirements under subdivision (1) starting on the later of:

(A) May 31, 2004; or

(B) the date on which the unit commences operation.

(4) NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> allowance tracking system accounts in accordance with sections 9 through 11, 13, and 14 of this rule.

(5) A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under subdivision (1), for an ozone control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.

(6) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> budget trading program is a limited authorization to emit one (1) ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> budget trading program. No provision of the NO<sub>x</sub> budget trading program, the NO<sub>x</sub> budget permit application, the NO<sub>x</sub> budget permit, or an exemption under section 3 of this rule and no provision of law shall be construed to limit the authority of the U.S. EPA or the department to terminate or limit the authorization.

(7) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> budget trading program does not constitute a property right.

(8) Upon recordation by the U.S. EPA under section 10, 11, or 13 of this rule, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> budget permit of the NO<sub>x</sub> budget unit by operation of law without any further review.

(d) The owners and operators of a NO<sub>x</sub> budget unit that has excess emissions in any ozone control period shall do the

following:

- (1) Surrender the NO<sub>x</sub> allowances required for deduction under section 10(k)(5) of this rule.
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under section 10(k)(7) of this rule.
- (e) The owners and operators of each NO<sub>x</sub> budget source shall comply with the following record keeping and reporting requirements:

- (1) Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall keep either on site at the source or at a central location within Indiana for those owners or operators with unattended sources, each of the following documents for a period of five (5) years. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the department or the U.S. EPA:

- (A) The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with section 6(h) of this rule. The certificate and documents shall be retained either on site at the source or at a central location within Indiana for those owners or operators with unattended sources beyond the five (5) year period until the documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.

- (B) All emissions monitoring information, in accordance with 40 CFR 75\* and section 12 of this rule, provided that to the extent that 40 CFR 75\* and section 12 of this rule provides for a three (3) year period for record keeping, the three (3) year period shall apply.

- (C) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> budget trading program.

- (D) Copies of all documents used to complete a NO<sub>x</sub> budget permit application and any other submission under the NO<sub>x</sub> budget trading program or to demonstrate compliance with the requirements of the NO<sub>x</sub> budget trading program.

Records retained at a central location within Indiana shall be available immediately at the location and submitted to the department or U.S. EPA within three (3) business days following receipt of a written request. Nothing in this subdivision shall alter the record retention requirements for a source under 40 CFR 75\*.

- (2) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> budget trading program, including those under section 8, 12, or 13 of this rule.

- (f) The owners and operators of each NO<sub>x</sub> budget source shall be liable as follows:

- (1) Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> budget trading program, a NO<sub>x</sub> budget permit, or an exemption under section 3 of this rule shall be subject to enforcement pursuant to applicable state or federal law.

- (2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> budget trading program shall be subject to criminal enforcement pursuant to the applicable state or federal law.

- (3) No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> budget trading program that occurs prior to the date that the revision takes effect.

- (4) Each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall meet the requirements of the NO<sub>x</sub> budget trading program.

- (5) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget source, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source, shall also apply to the owners and operators of the source and of the NO<sub>x</sub> budget units at the source.

- (6) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget unit, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall also apply to the owners and operators of the unit. Except with regard to the requirements applicable to units with a common stack under 40 CFR 75\* and section 12 of this rule, the owners and operators and the NO<sub>x</sub> authorized account representative of one (1) NO<sub>x</sub> budget unit shall not be liable for any violation by any other NO<sub>x</sub> budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.

- (g) No provision of the NO<sub>x</sub> budget trading program, a NO<sub>x</sub> budget permit application, a NO<sub>x</sub> budget permit, or an exemption under section 3 of this rule shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air

Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-4; filed Aug 17, 2001, 3:45 p.m.: 25 IR 26*)

**326 IAC 10-4-5 Computation of time**

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

Sec. 5. (a) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> budget trading program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> budget trading program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period except the ozone control period as defined under section 2(56) of this rule, under the NO<sub>x</sub> budget trading program, falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day. (*Air Pollution Control Board; 326 IAC 10-4-5; filed Aug 17, 2001, 3:45 p.m.: 25 IR 28*)

**326 IAC 10-4-6 NO<sub>x</sub> authorized account representative for NO<sub>x</sub> budget sources**

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) Except as provided under subsection (f), each NO<sub>x</sub> budget source, including all NO<sub>x</sub> budget units at the source, shall have one (1) and only one (1) NO<sub>x</sub> authorized account representative, with regard to all matters under the NO<sub>x</sub> budget trading program concerning the source or any NO<sub>x</sub> budget unit at the source.

(b) The NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source shall be selected by an agreement binding on the owners and operators of the source and all NO<sub>x</sub> budget units at the source.

(c) Upon receipt by the U.S. EPA of a complete account certificate of representation under subsection (h), the NO<sub>x</sub> authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NO<sub>x</sub> budget source represented and each NO<sub>x</sub> budget unit at the source in all matters pertaining to the NO<sub>x</sub> budget trading program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative and the owners and operators. The owners and operators shall be bound by any decision or order issued to the NO<sub>x</sub> authorized account representative by the department, the U.S. EPA, or a court regarding the source or unit.

(d) A NO<sub>x</sub> budget permit shall not be issued, and a NO<sub>x</sub> allowance tracking system account shall not be established for a NO<sub>x</sub> budget unit at a source, until the U.S. EPA has received a complete account certificate of representation under subsection (h) for a NO<sub>x</sub> authorized account representative of the source and the NO<sub>x</sub> budget units at the source.

(e) The following shall apply to a submission made under the NO<sub>x</sub> budget trading program:

(1) Each submission under the NO<sub>x</sub> budget trading program shall be submitted, signed, and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> budget source on behalf of which the submission is made. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO<sub>x</sub> budget sources or NO<sub>x</sub> budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) The department and the U.S. EPA shall accept or act on a submission made on behalf of the owner or operators of a NO<sub>x</sub> budget source or a NO<sub>x</sub> budget unit only if the submission has been made, signed, and certified in accordance with subdivision (1).

(f) The following shall apply where the owners or operators of a NO<sub>x</sub> budget source chose to designate an alternate NO<sub>x</sub> authorized account representative:

(1) An account certificate of representation may designate one (1) and only one (1) alternate NO<sub>x</sub> authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative. The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized

account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

(2) Upon receipt by the U.S. EPA of a complete account certificate of representation under subsection (h), any representation, action, inaction, or submission by the alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO<sub>x</sub> authorized account representative.

(3) Except in this subsection, subsections (a), (g), and (h), and section 10(c) through 10(f) of this rule, whenever the term NO<sub>x</sub> authorized account representative is used in this rule, the term shall be construed to include the alternate NO<sub>x</sub> authorized account representative.

(g) The following shall apply when changing the NO<sub>x</sub> authorized account representative, the alternate NO<sub>x</sub> authorized account representative or there are changes in the owners and operators:

(1) The NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the U.S. EPA of a superseding complete account certificate of representation under subsection (h). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding account certificate of representation shall be binding on the new NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> budget source and the NO<sub>x</sub> budget units at the source.

(2) The alternate NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the U.S. EPA of a superseding complete account certificate of representation under subsection (h). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding account certificate of representation shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> budget source and the NO<sub>x</sub> budget units at the source.

(3) Changes in the owners and operators shall be made as follows:

(A) In the event a new owner or operator of a NO<sub>x</sub> budget source or a NO<sub>x</sub> budget unit is not included in the list of owners and operators submitted in the account certificate of representation, the new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the department or the U.S. EPA, as if the new owner or operator were included in the list.

(B) Within thirty (30) days following any change in the owners and operators of a NO<sub>x</sub> budget source or a NO<sub>x</sub> budget unit, including the addition of a new owner or operator, the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

(h) A complete account certificate of representation for a NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative shall include the following elements in a format prescribed by the U.S. EPA:

(1) Identification of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address, if any, telephone number, and facsimile transmission number, if any, of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative.

(3) A list of the owners and operators of the NO<sub>x</sub> budget source and of each NO<sub>x</sub> budget unit at the source.

(4) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: "I certify that I was selected as the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> budget trading program on behalf of the owners and operators of the NO<sub>x</sub> budget source and of each NO<sub>x</sub> budget unit at the source and that each owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the department, the U.S. EPA, or a court regarding the source or unit."

(5) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

Unless otherwise required by the department or the U.S. EPA, documents of agreement referred to in the account certificate of representation shall not be submitted to the department or the U.S. EPA. Neither the department nor the U.S. EPA will be under any obligation to review or evaluate the sufficiency of the documents, if submitted.



(i) The following shall apply to an objection concerning the NO<sub>x</sub> authorized account representative:

(1) Once a complete account certificate of representation under subsection (h) has been submitted and received, the department and the U.S. EPA will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under subsection (h) is received by the U.S. EPA.

(2) Except as provided in subsection (g)(1) and (g)(2), no objection or other communication submitted to the department or the U.S. EPA concerning the authorization, or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative shall affect any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or the finality of any decision or order by the department or the U.S. EPA under the NO<sub>x</sub> budget trading program.

(3) Neither the department nor the U.S. EPA will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO<sub>x</sub> authorized account representative, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

*(Air Pollution Control Board; 326 IAC 10-4-6; filed Aug 17, 2001, 3:45 p.m.: 25 IR 28; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183)*

**326 IAC 10-4-7 Permit requirements**

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

Affected: IC 13-15-5; IC 13-17

Sec. 7. (a) For each NO<sub>x</sub> budget source required to have a federally enforceable permit, the permit shall include a NO<sub>x</sub> budget permit administered by the department as follows:

(1) For NO<sub>x</sub> budget sources required to have a Part 70 operating permit under 326 IAC 2-7, the NO<sub>x</sub> budget portion of the Part 70 permit shall be administered in accordance with 326 IAC 2-7, except as provided otherwise by this section or section 13 of this rule.

(2) For NO<sub>x</sub> budget sources required to have a FESOP permit, the NO<sub>x</sub> budget portion of the FESOP permit shall be administered in accordance with 326 IAC 2-8, except as provided otherwise by this section or section 13 of this rule.

(3) Each NO<sub>x</sub> budget permit, including a draft or proposed NO<sub>x</sub> budget permit, if applicable, shall contain all applicable NO<sub>x</sub> budget trading program requirements and shall be a complete and segregable portion of the permit.

(b) The NO<sub>x</sub> authorized account representative of any NO<sub>x</sub> budget source required to have a federally enforceable permit shall submit to the department a complete NO<sub>x</sub> budget permit application under subsection (c) as follows:

(1) For NO<sub>x</sub> budget sources required to have a Part 70 operating permit under 326 IAC 2-7 the following shall apply:

(A) For any source, with one (1) or more NO<sub>x</sub> budget units that commenced operation before January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application to the department at least two hundred seventy (270) days prior to May 31, 2004.

(B) For any source, with one (1) or more NO<sub>x</sub> budget unit that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application at least two hundred seventy (270) days prior to the later of:

(i) May 31, 2004; or

(ii) the date on which the NO<sub>x</sub> budget unit commences operation.

(C) For permit renewal, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application covering the NO<sub>x</sub> budget units at the source in accordance with 326 IAC 2-7-4(a)(1)(D).

(2) For NO<sub>x</sub> budget sources required to have a FESOP permit under 326 IAC 2-8 the following shall apply:

(A) For any source, with one (1) or more NO<sub>x</sub> budget units that commenced operation before January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application under subsection (c) covering each NO<sub>x</sub> budget unit to the department at least two hundred seventy (270) days before May 31, 2004.

(B) For any source, with one (1) or more NO<sub>x</sub> budget units that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application under subsection (c) covering each NO<sub>x</sub> budget unit to the department at least two hundred seventy (270) days before the later of:

(i) May 31, 2004; or

(ii) the date on which the NO<sub>x</sub> budget unit commences operation.

(C) For permit renewal, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit

application under subsection (c) for the NO<sub>x</sub> budget source covering the NO<sub>x</sub> budget units at the source in accordance with 326 IAC 2-8-3(h).

(c) In addition to the requirements of 326 IAC 2-7-4(c) or 326 IAC 2-8-3(c), a complete NO<sub>x</sub> budget permit application shall include, in a format prescribed by the department, the following elements concerning the NO<sub>x</sub> budget source for which the application is submitted:

(1) Identification of the NO<sub>x</sub> budget source, including plant name and the Office of Regulatory Information Systems (ORIS) or facility code assigned to the source by the Energy Information Administration, if applicable.

(2) Identification of each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source and whether it is a NO<sub>x</sub> budget unit under section 1(a) or 13 of this rule.

(3) The standard requirements under section 4 of this rule.

(4) For each NO<sub>x</sub> budget opt-in unit at the NO<sub>x</sub> budget source, the following certification statements by the NO<sub>x</sub> authorized account representative:

(A) "I certify that each unit for which this permit application is submitted under 326 IAC 10-4-13 is not a NO<sub>x</sub> budget unit under 326 IAC 10-4-1(a) and is not covered by a retired unit exemption under 326 IAC 10-4-3 that is in effect."

(B) If the application is for an initial NO<sub>x</sub> budget opt-in permit, "I certify that each unit for which this permit application is submitted under 326 IAC 10-4-13 is currently operating, as that term is defined under 326 IAC 10-4-2(51)."

(d) In addition to the requirements under 326 IAC 2-7 or 326 IAC 2-8, each NO<sub>x</sub> budget permit, including any draft or proposed NO<sub>x</sub> budget permit, if applicable, shall contain, in a format prescribed by the department, all elements required for a complete NO<sub>x</sub> budget permit application under subsection (c).

(e) Each NO<sub>x</sub> budget permit is deemed to incorporate automatically the definitions of terms under section 2 of this rule and, upon recordation by the U.S. EPA under section 10, 11, or 13 of this rule, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from the compliance accounts of the NO<sub>x</sub> budget units covered by the permit or the overdraft account of the NO<sub>x</sub> budget source covered by the permit.

(f) Notwithstanding IC 13-15-5, the initial NO<sub>x</sub> budget permit covering a NO<sub>x</sub> budget unit for which a complete NO<sub>x</sub> budget permit application is timely submitted under subsection (b) shall become effective upon issuance.

(g) Except as provided in subsection (e), the department shall revise the NO<sub>x</sub> budget permit, as necessary, in accordance with the following:

(1) The permit modification and revision provisions under 326 IAC 2-7, for a NO<sub>x</sub> budget source with a Part 70 operating permit.

(2) The permit modification and revision provisions under 326 IAC 2-8, for a NO<sub>x</sub> budget source with a FESOP permit.

*(Air Pollution Control Board; 326 IAC 10-4-7; filed Aug 17, 2001, 3:45 p.m.: 25 IR 30; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183)*

**326 IAC 10-4-8 Compliance certification**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) For each ozone control period in which one (1) or more NO<sub>x</sub> budget units at a source are subject to the NO<sub>x</sub> budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the department and the U.S. EPA by November 30 of that year, a compliance certification report for each source covering all NO<sub>x</sub> budget units.

(b) The NO<sub>x</sub> authorized account representative shall include in the compliance certification report under subsection (a) the following elements, in a format prescribed by the U.S. EPA, concerning each NO<sub>x</sub> budget unit at the source and subject to the NO<sub>x</sub> budget emissions limitation for the ozone control period covered by the report:

(1) Identification of each NO<sub>x</sub> budget unit.

(2) At the NO<sub>x</sub> authorized account representative's option, the serial numbers of the NO<sub>x</sub> allowances that are to be deducted from each unit's compliance account under section 10(k) of this rule for the ozone control period.

(3) At the NO<sub>x</sub> authorized account representative's option, for units sharing a common stack and having NO<sub>x</sub> emissions that are not monitored separately or apportioned in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule, the percentage of allowances that is to be deducted from each unit's compliance account under section 10(k)(8) of this rule.

(4) The compliance certification under subsection (c).

(c) In the compliance certification report under subsection (a), the NO<sub>x</sub> authorized account representative shall certify, based

on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> budget units at the source in compliance with the NO<sub>x</sub> budget trading program, whether each NO<sub>x</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO<sub>x</sub> budget trading program applicable to the unit, including the following:

- (1) Whether the unit was operated in compliance with the NO<sub>x</sub> budget emissions limitation.
- (2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule.
- (3) Whether all the NO<sub>x</sub> emissions from the unit, or a group of units, including the unit, using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made.
- (4) Whether the facts that form the basis for certification under 40 CFR 75, Subpart H\* and section 12 of this rule of each monitor at the unit or a group of units, including the unit, using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under 40 CFR 75, Subpart H\* and section 12 of this rule, if any, have changed.
- (5) If a change is required to be reported under subdivision (4), the NO<sub>x</sub> authorized account representative shall specify the following:
  - (A) The nature of the change.
  - (B) The reason for the change.
  - (C) When the change occurred.
  - (D) How the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

(d) The department or the U.S. EPA may review and conduct independent audits concerning any compliance certification or any other submission under the NO<sub>x</sub> budget trading program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(e) The U.S. EPA may deduct NO<sub>x</sub> allowances from or transfer NO<sub>x</sub> allowances to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under subsection (a).

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-8; filed Aug 17, 2001, 3:45 p.m.: 25 IR 31*)

**326 IAC 10-4-9 NO<sub>x</sub> allowance allocations**

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

Sec. 9. (a) The trading program budget allocated by the department under subsections (d) through (f) for each ozone control period shall equal the total number of tons of NO<sub>x</sub> emissions apportioned to the NO<sub>x</sub> budget units under section 1 of this rule for the ozone control period, as determined by the procedures in this section. The total number of tons of NO<sub>x</sub> emissions that are available for each ozone control period for allocation as NO<sub>x</sub> allowances under this rule are fifty-three thousand nine hundred sixty (53,960) tons apportioned as follows:

- (1) For existing units:
  - (A) forty-three thousand six hundred fifty-four (43,654) tons for electricity generating units in 2004 through 2009 and forty-five thousand thirty-three (45,033) tons thereafter; and
  - (B) six thousand eight hundred forty-nine (6,849) tons for large affected units;
 less the sum of the NO<sub>x</sub> limitations (in tons) for each unit under section 1(b) of this rule that is not allocated any NO<sub>x</sub> allowances under subsection (d) for the ozone control period and whose NO<sub>x</sub> emission limitation (in tons of NO<sub>x</sub>) is not included in the amount calculated under subsection (e) for the control period.
- (2) For new unit allocation set-asides:
  - (A) two thousand two hundred ninety-eight (2,298) tons for electricity generating units in 2004 through 2009, and nine

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hundred nineteen (919) tons thereafter; and

(B) eighty (80) tons for large affected units in 2004 and each year thereafter.

(3) For the energy efficiency and renewable energy allocation set-aside, one thousand seventy-nine (1,079) tons.

(b) The department shall allocate NO<sub>x</sub> allowances to NO<sub>x</sub> budget units according to the following schedule:

(1) For EGUs, a three (3) year allocation that is recorded three (3) years in advance of the ozone control period that the allowances may be used as follows:

(A) Within thirty (30) days of the effective date of this rule, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control periods in 2004, 2005, and 2006.

(B) By December 31, 2003, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control period in 2007, 2008, and 2009.

(C) By December 31, 2006, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control period in 2010, 2011, and 2012.

(D) By December 31, 2009, and by December 31 every three (3) years thereafter, the department shall submit to the U.S. EPA, the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control periods four (4) years, five (5) years, and six (6) years after the year of the allowance allocation.

(2) For large affected units, within thirty (30) days of the effective date of this rule, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowances for the ozone control periods in 2004 through 2009. By December 31, 2006, the department shall review the allocations in light of emission trends, new units, and other relevant factors to determine whether revisions are appropriate.

(3) If the department fails to submit to the U.S. EPA the NO<sub>x</sub> allowance allocations in accordance with this rule, the U.S. EPA will allocate, for the applicable ozone control period, the same number of NO<sub>x</sub> allowances as were allocated for the preceding ozone control period.

(4) The department shall make available for review to the public the NO<sub>x</sub> allowance allocations under subdivision (1)(B), (1)(C), and (1)(D) on December 31 of each year cited in subdivision (1)(B), (1)(C), and (1)(D) and shall provide a thirty (30) day opportunity for submission of objections to the NO<sub>x</sub> allowance allocations. Objections shall be limited to addressing whether the NO<sub>x</sub> allowance allocations are in accordance with this section. Based on any such objections, the department shall consider any objections and input from affected sources and, if appropriate, adjust each determination to the extent necessary to ensure that it is in accordance with this section. Any revised NO<sub>x</sub> allowance allocations shall be submitted to the U.S. EPA for recordation by the following April 1.

(c) The heat input, in million British thermal units (mmBtu), used for calculating NO<sub>x</sub> allowance allocations for each NO<sub>x</sub> budget unit under section 1 of this rule shall be:

(1) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(A), the average of the two (2) highest amounts of the unit's heat input for the ozone control periods in 1995 through 1999.

(2) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(B) through (b)(1)(D), the unit's average of the two (2) highest heat inputs for the ozone control period in the years that are one (1), two (2), three (3), four (4), and five (5) years before the year when the NO<sub>x</sub> allocation is being calculated. For the purpose of this subdivision, the ozone control period for the year 2004 shall be from May 1 through September 30.

(3) If a NO<sub>x</sub> budget unit does not have a full five (5) years of ozone control period heat inputs, the following shall apply:

(A) For a NO<sub>x</sub> budget unit with ozone control period heat inputs for more than two (2) years, the average of the two (2) highest ozone control period heat inputs.

(B) For a NO<sub>x</sub> budget unit with two (2) years of ozone control period heat input, the average of the ozone control period heat input for the two (2) years.

(C) For a NO<sub>x</sub> budget unit with one (1) year of ozone control period heat input, the actual ozone control period heat input for that year.

(4) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(B), (b)(1)(C), and (b)(1)(D) for a unit exempt under section 1(b) of this rule, the heat input shall be treated as zero (0) if the unit was exempt during the previous allocation period.

The unit's total heat input for the ozone control period in each year shall be determined in accordance with 40 CFR 75\* if the NO<sub>x</sub> budget unit was otherwise subject to the requirements of 40 CFR 75\* for the year, or shall be based on the best available data reported to the department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75\* for the year. The owner or operator of a NO<sub>x</sub> budget unit shall submit heat input data within thirty (30) days if requested by the department.

(d) For each ozone control period under subsection (b), the department shall allocate to all NO<sub>x</sub> budget units that have been

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in operation for at least one (1) year prior to the year in which allocations are made, and for new NO<sub>x</sub> budget units that have commenced operation on or after May 1, 2000 and that have not submitted notification in accordance with subsection (i), a total number of NO<sub>x</sub> allowances equal to the amount under subsection (a)(1), in accordance with the following procedures:

(1) The department shall allocate NO<sub>x</sub> allowances to each electricity generating unit in an amount equaling fifteen-hundredths pound per million British thermal units (0.15 lb/mmBtu) or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent, except that a coal-fired electrical generation unit with a rated energy efficiency of forty percent (40%) or higher, a repowered natural gas-fired electrical generating unit with a rated energy efficiency of forty-five percent (45%) or higher, a natural gas-fired electrical generating unit, that is not repowered, with a rated energy efficiency of fifty percent (50%) or higher, or a combined heat and power unit with an overall rated energy efficiency of sixty percent (60%) or higher shall be allocated allowances based on fifteen-hundredths (0.15) lb/mmBtu notwithstanding the allowable emission rate, multiplied by the heat input determined under subsection (c), rounded to the nearest whole NO<sub>x</sub> allowance, as appropriate.

(2) If the initial total number of NO<sub>x</sub> allowances allocated to all electricity generating units for an ozone control period under subdivision (1) does not equal the amount under subsection (a)(1), the department shall adjust the total number of NO<sub>x</sub> allowances allocated to all NO<sub>x</sub> budget units for the ozone control period under subdivision (1) so that the total number of NO<sub>x</sub> allowances allocated equals the amount under subsection (a)(1). This adjustment shall be made by:

(A) multiplying each unit's allocation by the amount under subsection (a)(1); and

(B) dividing by the total number of NO<sub>x</sub> allowances allocated under subdivision (1), and rounding to the nearest whole NO<sub>x</sub> allowance, as appropriate.

(3) The department shall allocate NO<sub>x</sub> allowances to each large affected unit in an amount equaling the following:

	<u>Source</u>	<u>Unit</u>	<u>Allowances</u>
(A) Alcoa		1	1,089
		2	1,057
		3	1,026
(B) American Electric Power-Rockport		Auxiliary Boiler 1	2
		Auxiliary Boiler 2	1
(C) BP Amoco - Boiler House 1		1	21
		2	21
		3	21
		4	21
		5	22
(D) BP Amoco - Boiler House 3		1	252
		2	252
		3	252
		4	252
		5	252
(E) Citizens Thermal Energy		11	120
		12	138
		13	85
		14	75
		15	54
		16	69
(F) Ispat Inland		401	255
		402	255
		403	257
		404	257
		405	344
(G) National Steel		1	0
(H) New Energy		003	238

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(I) Portside Energy	Auxiliary Boiler 1	50
	Auxiliary Boiler 2	5
	Combustion Turbine	34
(J) Purdue University	5	72

For units having an emission limitation only in tons on an annual basis, the allowable emission rate in pounds per million Btu (lb/mmBtu) shall be determined by dividing the emission limitation by eight thousand seven hundred sixty (8,760) hours, multiplying by two thousand (2,000) pounds, and dividing the result by the unit's permitted heat input rate. For units having an emission limitation only in parts per million (ppm), the conversion factors under 326 IAC 3-4-3 shall be used.

(e) For new NO<sub>x</sub> budget units that commenced operation, or are projected to commence operation, on or after May 1, 2000, or for projects that reduce NO<sub>x</sub> emissions through the implementation of energy efficiency or renewable energy measures, or both, implemented during an ozone control period beginning May 1, 2004, the department shall allocate NO<sub>x</sub> allowances in accordance with the following procedures:

(1) The department shall establish allocation set-asides for new NO<sub>x</sub> budget units and for energy efficiency and renewable energy projects for each ozone control period as follows:

(A) The new unit allocation set-asides shall be allocated NO<sub>x</sub> allowances equal to the following:

(i) For EGUs, two thousand two hundred ninety-eight (2,298) tons (five percent (5%) of EGU budget) for each ozone control period in 2004 through 2009, and nine hundred nineteen (919) tons (two percent (2%) of the EGU budget) for each ozone control period thereafter.

(ii) For large affected units, eighty (80) tons (one percent (1%) of the large affected unit budget) in 2004 and each year thereafter.

(B) The energy efficiency and renewable energy allocation set-aside shall be allocated NO<sub>x</sub> allowances equal to one thousand seventy-nine (1,079) tons (two percent (2%) of overall trading budget).

(2) The NO<sub>x</sub> authorized account representative of a new NO<sub>x</sub> budget unit or a general account may submit to the department a request, in writing or in a format specified by the department, for NO<sub>x</sub> allowances as follows:

(A) For a new NO<sub>x</sub> budget unit, for one (1) ozone control period under subsection (b), during which the NO<sub>x</sub> budget unit commenced, or is projected to commence, operation. The NO<sub>x</sub> authorized account representative shall reapply each year until the NO<sub>x</sub> budget unit is eligible to use NO<sub>x</sub> allowances allocated under subsection (d).

(B) For energy efficiency or renewable energy projects, project sponsors may request the reservation of NO<sub>x</sub> allowances, for one (1) control period in which the project is implemented. The NO<sub>x</sub> authorized account representative may reapply each year, not to exceed five (5) ozone control periods. Requests for allowances may be made only for projects implemented within two (2) years of the beginning of the first ozone control period for which allowances are requested. Projects must equal at least one (1) ton of NO<sub>x</sub> emissions and multiple projects may be aggregated into one (1) allowance allocation request to equal one (1) or more tons of NO<sub>x</sub> emissions.

The NO<sub>x</sub> allowance allocation request must be submitted by September 1 of the calendar year that is one (1) year in advance of the first ozone control period for which the NO<sub>x</sub> allowance allocation is requested and for new NO<sub>x</sub> budget units, after the date on which the department issues a permit to construct the NO<sub>x</sub> budget unit and final approval is granted from the Indiana utility regulatory commission.

(3) In a NO<sub>x</sub> allowance allocation request under this subsection, the NO<sub>x</sub> authorized account representative may request for an ozone control period, NO<sub>x</sub> allowances in an amount that does not exceed the following:

(A) For an electricity generating unit, multiplying the following:

(i) Fifteen-hundredths (0.15) pound per million British thermal units or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent except that a coal-fired electrical generation unit with a rated energy efficiency of forty percent (40%) or higher, a repowered natural gas-fired electrical generating unit with a rated energy efficiency of forty-five percent (45%) or higher, a natural gas-fired electrical generating unit that is not repowered with a rated energy efficiency of fifty percent (50%) or higher, or a combined heat and power unit with an overall rated energy efficiency of sixty percent (60%) or higher shall be allocated allowances based on fifteen-hundredths (0.15) lb/mmBtu notwithstanding the allowable emission rate.

(ii) The NO<sub>x</sub> budget unit's maximum design heat input, in million British thermal units per hour as follows:

(aa) For a unit that is permitted as a major stationary source or major modification under 326 IAC 2-2 or

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326 IAC 2-3 and that is not a simple cycle system, seventy-five percent (75%) of the maximum design heat input.

(bb) For a unit that is not permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is a combined cycle system, fifty percent (50%) of the maximum design heat input.

(cc) For a unit that is not permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is not combined cycle system or for a unit that is permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is a simple cycle system, twenty-five percent (25%) of the maximum design heat input.

(iii) The number of hours remaining in the ozone control period starting with the first day in the ozone control period on which the unit operated or is projected to operate.

The NO<sub>x</sub> allowances requested shall not exceed annual allowable NO<sub>x</sub> emissions.

(B) For a large affected unit:

(i) seventeen-hundredths (0.17) pound per million British thermal units or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent;

(ii) multiplied by the NO<sub>x</sub> budget unit's maximum design heat input, in million British thermal units per hour; and

(iii) multiplied by the number of hours remaining in the ozone control period starting with the first day in the ozone control period on which the unit operated or is projected to operate.

The NO<sub>x</sub> allowances requested shall not exceed annual allowable NO<sub>x</sub> emissions.

(C) For energy efficiency or renewable energy projects:

(i) Projects in section 2(18)(A) and 2(18)(B) of this rule that claim allowances based upon reductions in the consumption of electricity and that are sponsored by end-users or non-utility third parties receive allowances based upon the number of kilowatt hours of electricity saved during an ozone control period and the following formula:

$$\text{Allowances} = (\text{kWS} * 0.0015) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

kWS = The number of kilowatt hours of electricity saved during an ozone control period by the project.

(ii) Projects in section 2(18)(A) and 2(18)(B) of this rule that claim allowances based upon reductions in the consumption of electricity and that are sponsored by NO<sub>x</sub> allowance account holders that own or operate units that produce electricity and are subject to the emission limitations of this rule will be awarded allowances according to the following formula:

$$\text{Allowances} = (\text{kWS} * 0.000375) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

kWS = The number of kilowatt hours of electricity saved during an ozone control period by the project.

(iii) Projects in section 2(18)(A) of this rule that claim allowances based upon reductions in the consumption of energy other than electricity and that are not NO<sub>x</sub> budget units will be awarded allowances according to the following formula:

$$\text{Allowances} = (((\text{Et1}/\text{Pt1}) - (\text{Et2}/\text{Pt2})) * \text{Pt2} * \text{NRate}) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

Et1 = Energy consumed per ozone control period prior to project implementation.

Pt1 = Units of product produced per ozone control period prior to project implementation.

Et2 = Energy consumed in the most recent ozone control period.

Pt2 = Units of product produced in the most recent ozone control period.

NRate = NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million (1,000,000) British thermal units.

(iv) Projects in section 2(18)(A) of this rule that claim allowances based upon reductions in the consumption of energy other than electricity and that are NO<sub>x</sub> budget units will be awarded allowances according to the following formula:

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$$\text{Allowances} = (((\text{Et1}/\text{Pt1}) - (\text{Et2}/\text{Pt2})) \times \text{Pt2} \times \text{NRate} \times 0.25)/2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.  
Et1 = Energy consumed per ozone control period prior to project implementation.  
Pt1 = Units of product produced per ozone control period prior to project implementation.  
Et2 = Energy consumed in the most recent ozone control period.  
Pt2 = Units of product produced in the most recent ozone control period.  
NRate = NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million (1,000,000) British thermal units.

Product produced, as used in these formulas in this item and item (iii), may include manufactured items; raw, intermediate, or final materials; or other products measured in discrete units and produced as a result of the consumption of energy in a specific process or piece of equipment. Claims for allowances must include documentation of NO<sub>x</sub> emissions per British thermal unit both before and after implementation of the project for the energy-consuming process for which energy savings are claimed.

(v) Projects in section 2(18)(C) and 2(18)(D) of this rule receive allowances based upon the number of kilowatt hours of electricity each project generates during an ozone control period and according to the following formula:

$$\text{Allowances} = (\text{kWG} * 0.0015)/2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.  
kWG = The number of kilowatt hours of electricity generated during an ozone control period by the project.  
(vi) Projects in section 2(18)(E) and 2(18)(F) of this rule receive allowances based upon the difference in emitted NO<sub>x</sub> per megawatt hour of operation for units before and after replacement or improvement and according to the following formula:

$$\text{Allowances} = ((\text{Et1} - \text{Et2}) * \text{h}) * 0.25/2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.  
Et1 = The emission rate in pounds per megawatt hour of NO<sub>x</sub> of the unit before improvement or replacement.  
Et2 = The emission rate in pounds per megawatt hour of NO<sub>x</sub> of the unit after improvement or replacement.  
h = The number of megawatt hours of operation during the ozone control period.

Allowances will be awarded only after verification of project implementation and certification of energy, emission, or electricity savings, as appropriate. The department will consult the Indiana department of commerce concerning verification and certification.

(4) The department shall review, and allocate NO<sub>x</sub> allowances pursuant to, each NO<sub>x</sub> allowance allocation request by December 31 of each year as follows:

(A) Upon receipt of the NO<sub>x</sub> allowance allocation request, the department shall determine whether and shall make any necessary adjustments to the request to ensure that:

- (i) for electricity generating units, the ozone control period and the number of allowances specified are consistent with the requirements of subdivision (3)(A);
- (ii) for large affected units, the ozone control period and the number of allowances specified are consistent with the requirements of subdivision (3)(B);
- (iii) for energy efficiency and renewable energy projects the number of allowances specified are consistent with the requirements of subdivision (3)(C); and
- (iv) for units exempt under section 1(b) of this rule, the department will determine the sum of the NO<sub>x</sub> emission limitations (in tons of NO<sub>x</sub>) on which the unit's exemption under section 1(b) of this rule is based.

(B) The department shall allocate allowances to all qualifying energy efficiency and renewable energy projects prior to allocating allowances to any new NO<sub>x</sub> budget unit. The department shall give first priority to energy efficiency and renewable energy projects under section 2(18)(A), 2(18)(C), and 2(18)(D) of this rule, next section 2(18)(B) of this rule, next section 2(18)(E) of this rule, and finally section 2(18)(F) of this rule.

(C) If the energy efficiency and renewable energy allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested has an amount of NO<sub>x</sub> allowances greater than or equal to the number requested, as adjusted under clause (A), the department shall allocate the amount of the NO<sub>x</sub> allowances requested, as adjusted under clause



(A), to the energy efficiency and renewable energy projects. Any unallocated allowances shall be distributed as follows:

- (i) Fifty percent (50%) of the unallocated allowances shall remain in the set-aside for use in the next year's allocation.

- (ii) Fifty percent (50%) of the unallocated allowances shall be returned to existing large affected units on a pro rata basis.

(D) If the energy efficiency and renewable energy allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested has an amount of NO<sub>x</sub> allowances less than the number requested, as adjusted under clause (A), the department shall allocate the allocation set-aside on a pro rata basis, except that allowances requested for projects under section 2(18)(A), 2(18)(C), and 2(18)(D) of this rule shall be allocated first, allocated to projects under section 2(18)(B) of this rule second, allocated to projects under section 2(18)(E) of this rule third, and allocated to projects under section 2(18)(F) of this rule fourth.

(E) If the new unit allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested, less the amount under subdivision (A)(iv) [*sic.*], has an amount of NO<sub>x</sub> allowances greater than or equal to the number requested, as adjusted under clause (A), the department shall allocate the amount of the NO<sub>x</sub> allowances requested, as adjusted under clause (A), to the NO<sub>x</sub> budget unit. If the energy efficiency and renewable energy set-aside is oversubscribed in clause (D), the remaining allowances shall be transferred to the energy efficiency and renewable energy set-aside. If the energy efficiency and renewable energy set-aside is under subscribed in clause (C), the remaining allowances shall be transferred to existing sources on a pro rata basis.

(F) If the new unit allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested, less the amount under subdivision (A)(iv) [*sic.*], has an amount of NO<sub>x</sub> allowances less than the number requested, as adjusted under clause (A), the department shall allocate the allocation set-aside to the NO<sub>x</sub> budget units on a pro rata basis.

(G) After a new budget unit has operated in one (1) ozone control period, it becomes an existing budget unit unless a notification has been received under subsection (i) requesting allocations under this subsection, and the department will allocate allowances for the ozone control period according to subsections (b) and (d). The unit will continue to receive allowances from the new unit set-aside according to subdivision (3) until it is eligible to use allowances allocated under subsection (d).

By December 31 of each year, the department shall take appropriate action under subdivision (4) and notify the NO<sub>x</sub> authorized account representative that submitted the request and the U.S. EPA of the number of NO<sub>x</sub> allowances allocated for the ozone control period to the NO<sub>x</sub> budget unit or energy efficiency or renewable energy projects.

(f) For a new NO<sub>x</sub> budget unit that is allocated NO<sub>x</sub> allowances under subsection (e) for an ozone control period, the U.S. EPA will deduct NO<sub>x</sub> allowances under section 10(k)(1) or 10(k)(8) of this rule to account for the actual emissions of the unit during the ozone control period. Any allowances remaining in the account shall be returned to the new source unit set-aside.

(g) After making the deductions for compliance under section 10(k)(1) or 10(k)(8) of this rule for an ozone control period, the U.S. EPA will notify the department whether any NO<sub>x</sub> allowances remain in the allocation set-asides for the ozone control period. Any NO<sub>x</sub> allowances remaining in the new unit allocation set-asides shall remain in the new unit allocation set-aside for use in the next year's allocation.

(h) If the number of banked allowances in the new unit set-asides or the energy efficiency set-aside is greater than the following amounts:

- (1) For the EGU new unit set-aside, three thousand three hundred and seventy-seven (3,377) tons for each year in 2004 through 2009 and one thousand nine hundred ninety-eight (1,998) tons each year thereafter.

- (2) For the large affected unit set-aside, one thousand one hundred fifty-nine (1,159) tons in 2004 and each year thereafter.

- (3) For energy efficiency and renewable energy set-aside, two thousand one hundred fifty-eight (2,158) tons in 2004 and each year thereafter.

Any banked allowances in excess of the values in subsection (e)(1)(A) or (e)(1)(B) shall be allocated to the relevant existing NO<sub>x</sub> budget units on a pro rata basis. The allowances from the energy efficiency and renewable energy set-aside shall be allocated to existing large affected units.

(i) A new EGU that commenced operation on or after May 1, 2000, has the option to remain in the new unit set-aside and have allowances allocated in accordance with subsection (e) until such time that it has heat input data for at least two (2) full ozone control periods, but not more than five (5) full ozone control periods for the purpose of determining heat input under subsection (c). The new NO<sub>x</sub> budget unit shall submit a notification to the department by no later than December 1 of the year prior to the allocation schedule in subsection (b), indicating the unit is to receive NO<sub>x</sub> allowances in accordance with subsection (e).

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-9; filed Aug 17, 2001, 3:45 p.m.: 25 IR 32; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

**326 IAC 10-4-10 NO<sub>x</sub> allowance tracking system**

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) The U.S. EPA will establish compliance and overdraft accounts consistent with subsection (c). NO<sub>x</sub> allowances shall be recorded in the compliance accounts or overdraft accounts according to the following:

- (1) Allocations of NO<sub>x</sub> allowances pursuant to section 9 or 13(i) of this rule.
- (2) Deductions or transfers of NO<sub>x</sub> allowances pursuant to one (1) of the following:
  - (A) Section 8(d), 8(e), 11, 13, or 14 of this rule.
  - (B) Subsection (j), (k), or (m).

(b) The U.S. EPA will establish, upon request, a general account for any person consistent with subsection (d). Transfers of allowances pursuant to section 11 of this rule shall be recorded in the general account in accordance with this section.

(c) Upon receipt of a complete account certificate of representation under section 6(h) of this rule, the U.S. EPA will establish the following:

- (1) A compliance account for each NO<sub>x</sub> budget unit for which the account certificate of representation was submitted.
- (2) An overdraft account for each source for which the account certificate of representation was submitted and that has two (2) or more NO<sub>x</sub> budget units.

(d) Any person may apply to open a general account for the purpose of holding and transferring allowances. The establishment of a general account shall be subject to the following:

(1) A complete application for a general account shall be submitted to the U.S. EPA and shall include the following elements in a format prescribed by the U.S. EPA:

- (A) The following information concerning the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative:
  - (i) Name.
  - (ii) Mailing address.
  - (iii) E-mail address, if any.
  - (iv) Telephone number.
  - (v) Facsimile transmission number, if any.

(B) At the option of the NO<sub>x</sub> authorized account representative, organization name, and type of organization.

(C) A list of all persons subject to a binding agreement for the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative to represent their ownership interest with respect to the allowances held in the general account.

(D) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: "I certify that I was selected as the NO<sub>x</sub> authorized account representative or the NO<sub>x</sub> alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> budget trading program on behalf of persons and that each person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the U.S. EPA or a court regarding the general account."

(E) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(F) Unless otherwise required by the department or the U.S. EPA, documents of agreement referred to in the account certificate of representation shall not be submitted to the department or the U.S. EPA. Neither the department nor the U.S. EPA will be under any obligation to review or evaluate the sufficiency of the documents, if submitted.

(2) Upon receipt by the U.S. EPA of a complete application for a general account under subdivision (1), the following shall apply:

- (A) The U.S. EPA will establish a general account for the person or persons for whom the application is submitted.
- (B) The NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO<sub>x</sub> allowances held in the general account in all matters pertaining to the NO<sub>x</sub> budget trading program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative and the person. Any person having an ownership interest with respect to NO<sub>x</sub> allowances shall be bound by any order or decision issued to the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative by the U.S. EPA or a court regarding the general account.
- (C) Each submission concerning the general account shall be submitted, signed, and certified by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for the persons having an ownership interest with respect to NO<sub>x</sub> allowances held in the general account. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (D) The U.S. EPA will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with clause (C).
- (3) The following shall apply to the designation of a NO<sub>x</sub> authorized account representative, alternate NO<sub>x</sub> authorized account representative, or persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account:
- (A) An application for a general account may designate the following:
- (i) One (1) and only one (1) NO<sub>x</sub> authorized account representative.
  - (ii) One (1) and only one (1) alternate NO<sub>x</sub> authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative.
- The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.
- (B) Upon receipt by the U.S. EPA of a complete application for a general account under subdivision (1), any representation, action, inaction, or submission by any alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO<sub>x</sub> authorized account representative.
- (C) The NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the U.S. EPA of a superseding complete application for a general account under subdivision (1). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding application for a general account shall be binding on the new NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.
- (D) The alternate NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the U.S. EPA of a superseding complete application for a general account under subdivision (1). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding application for a general account shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.
- (E) In the event a new person having an ownership interest with respect to NO<sub>x</sub> allowances in the general account is not included in the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the account certificate of representation, the new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the U.S. EPA, as if the new person were included in the list.

(F) Within thirty (30) days following any change in the persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account, including the addition of persons, the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the general account to include the change.

(4) Once a complete application for a general account under subdivision (1) has been submitted and received, the U.S. EPA will rely on the application unless and until a superseding complete application for a general account under subdivision (1) is received by the U.S. EPA.

(5) Except as provided in subdivision (3)(C) through (3)(F), no objection or other communication submitted to the U.S. EPA concerning the authorization, or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative or the finality of any decision or order by the U.S. EPA under the NO<sub>x</sub> budget trading program.

(6) The U.S. EPA will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

(e) The U.S. EPA will assign a unique identifying number to each account established under subsection (c) or (d).

(f) Following the establishment of a NO<sub>x</sub> allowance tracking system account, all submissions to the U.S. EPA pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO<sub>x</sub> allowances in the account, shall be made only by the NO<sub>x</sub> authorized account representative for the account. The U.S. EPA will assign a unique identifying number to each NO<sub>x</sub> authorized account representative.

(g) The U.S. EPA will record the NO<sub>x</sub> allowances for 2004 in the NO<sub>x</sub> budget units' compliance accounts and the allocation set-asides, as allocated under section 9 of this rule. The U.S. EPA will also record the NO<sub>x</sub> allowances allocated under section 13(i)(1) of this rule for each NO<sub>x</sub> budget opt-in source in its compliance account.

(h) Each year, after the U.S. EPA has made all deductions from a NO<sub>x</sub> budget unit's compliance account and the overdraft account pursuant to subsection (k), the U.S. EPA will record NO<sub>x</sub> allowances, as allocated to the unit under section 9 or 13(i)(2) of this rule, in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the U.S. EPA will also record NO<sub>x</sub> allowances, as allocated under section 9 of this rule, in the allocation set-aside for the year after the last year for which allowances were previously allocated to an allocation set-aside.

(i) When allocating NO<sub>x</sub> allowances to and recording them in an account, the U.S. EPA will assign each NO<sub>x</sub> allowance a unique identification number that shall include digits identifying the year for which the NO<sub>x</sub> allowance is allocated.

(j) The NO<sub>x</sub> allowances are available to be deducted for compliance with a unit's NO<sub>x</sub> budget emissions limitation for an ozone control period in a given year only if the NO<sub>x</sub> allowances:

(1) were allocated for an ozone control period in a prior year or the same year; and

(2) are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO<sub>x</sub> allowance transfer deadline for that ozone control period or are transferred into the compliance account or overdraft account by a NO<sub>x</sub> allowance transfer correctly submitted for recordation under section 11(a) of this rule by the NO<sub>x</sub> allowance transfer deadline for that ozone control period.

(k) The following shall apply to deductions for purposes of compliance with a unit's allocations:

(1) Following the recordation, in accordance with section 11(b) or 11(c) of this rule, of NO<sub>x</sub> allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO<sub>x</sub> allowance transfer deadline for an ozone control period, the U.S. EPA will deduct NO<sub>x</sub> allowances available under subsection (j) to cover the unit's NO<sub>x</sub> emissions, as determined in accordance with 40 CFR 75, Subpart H\*:

(A) from the compliance account; and

(B) only if no more NO<sub>x</sub> allowances available under subsection (j) remain in the compliance account, from the overdraft account.

In deducting allowances for units at the source from the overdraft account, the U.S. EPA will begin with the unit having the compliance account with the lowest NO<sub>x</sub> allowance tracking system account number and end with the unit having the compliance account with the highest NO<sub>x</sub> allowance tracking system account number, with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters.

- (2) The U.S. EPA will deduct NO<sub>x</sub> allowances first under subdivision (1)(A) and then under subdivision (1)(B) until:
- (A) the number of NO<sub>x</sub> allowances deducted for the ozone control period equals the number of tons of NO<sub>x</sub> emissions, determined in accordance with 40 CFR 75, Subpart H\*, from the unit for the ozone control period for which compliance is being determined; or
  - (B) no more NO<sub>x</sub> allowances available under subsection (j) remain in the respective account.
- (3) The NO<sub>x</sub> authorized account representative for each compliance account may identify by serial number the NO<sub>x</sub> allowances to be deducted from the unit's compliance account under this section. The identification shall be made in the compliance certification report submitted in accordance with section 8(a) through 8(c) of this rule.
- (4) The U.S. EPA will deduct NO<sub>x</sub> allowances for an ozone control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO<sub>x</sub> allowances by serial number under subdivision (3), or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:
- (A) Those NO<sub>x</sub> allowances that were allocated for the ozone control period to the unit under section 9 or 13 of this rule.
  - (B) Those NO<sub>x</sub> allowances that were allocated for the ozone control period to any unit and transferred and recorded in the account pursuant to section 11 of this rule, in order of their date of recordation.
  - (C) Those NO<sub>x</sub> allowances that were allocated for a prior ozone control period to the unit under section 9 or 13 of this rule.
  - (D) Those NO<sub>x</sub> allowances that were allocated for a prior ozone control period to any unit and transferred and recorded in the account pursuant to section 11 of this rule, in order of their date of recordation.
- (5) After making the deductions for compliance under subdivisions (1) and (2), the U.S. EPA will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO<sub>x</sub> allowances, allocated for an ozone control period after the ozone control period in which the unit has excess emissions, equal to three (3) times the number of the unit's excess emissions.
- (6) If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.
- (7) Any allowance deduction required under subdivision (5) shall not affect the liability of the owners and operators of the NO<sub>x</sub> budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the CAA or applicable state law. The following guidelines shall be followed in assessing fines, penalties, or other obligations:
- (A) For purposes of determining the number of days of violation, if a NO<sub>x</sub> budget unit has excess emissions for an ozone control period, each day in the ozone control period, one hundred fifty-three (153) days, constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.
  - (B) Each ton of excess emissions is a separate violation.
- (8) In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with 40 CFR 75, Subpart H\*, the following shall apply:
- (A) The NO<sub>x</sub> authorized account representative of the units may identify the percentage of NO<sub>x</sub> allowances to be deducted from each unit's compliance account to cover the unit's share of NO<sub>x</sub> emissions from the common stack for an ozone control period. The identification shall be made in the compliance certification report submitted in accordance with section 8(a) through 8(c) of this rule.
  - (B) Notwithstanding subdivision (2)(A), the U.S. EPA will deduct NO<sub>x</sub> allowances for each unit, in accordance with subdivision (1), until the number of NO<sub>x</sub> allowances deducted equals either of the following:
    - (i) The unit's identified percentage of the number of tons of NO<sub>x</sub> emissions, as determined in accordance with 40 CFR 75, Subpart H\*, from the common stack for the ozone control period for which compliance is being determined.
    - (ii) If no percentage is identified, an equal percentage for each unit.
- (9) The U.S. EPA will record in the appropriate compliance account or overdraft account all deductions from an account pursuant to this section.
- (l) The U.S. EPA may at its own discretion and on its own motion correct any error in any NO<sub>x</sub> allowance tracking system account. Within ten (10) business days of making the correction, the U.S. EPA will notify the NO<sub>x</sub> authorized account representative for the account.
- (m) The NO<sub>x</sub> authorized account representative of a general account may instruct the U.S. EPA to close the account by

submitting a statement requesting deletion of the account from the NO<sub>x</sub> allowance tracking system and by correctly submitting for recordation under section 11(a) of this rule, an allowance transfer of all NO<sub>x</sub> allowances in the account to one (1) or more other NO<sub>x</sub> allowance tracking system accounts.

(n) If a general account shows no activity for a period of one (1) year or more and does not contain any NO<sub>x</sub> allowances, the U.S. EPA may notify the NO<sub>x</sub> authorized account representative for the account that the account shall be closed and deleted from the NO<sub>x</sub> allowance tracking system following twenty (20) business days after the notice is sent. The account shall be closed after the twenty (20) business day period unless before the end of the twenty (20) business day period the U.S. EPA receives a correctly submitted transfer of NO<sub>x</sub> allowances into the account under section 11(a) of this rule or a statement submitted by the NO<sub>x</sub> authorized account representative demonstrating to the satisfaction of the U.S. EPA good cause as to why the account should not be closed.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-10; filed Aug 17, 2001, 3:45 p.m.: 25 IR 38; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

### **326 IAC 10-4-11 NO<sub>x</sub> allowance transfers**

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

Affected: IC 13-15; IC 13-17

Sec. 11. (a) The NO<sub>x</sub> authorized account representatives seeking recordation of a NO<sub>x</sub> allowance transfer shall submit the transfer to the U.S. EPA. To be considered correctly submitted, the NO<sub>x</sub> allowance transfer shall include the following elements in a format specified by the U.S. EPA:

- (1) The numbers identifying both the transferor and transferee accounts.
- (2) A specification by serial number of each NO<sub>x</sub> allowance to be transferred.
- (3) The printed name and signature of the NO<sub>x</sub> authorized account representative of the transferor account and the date signed.

(b) Within five (5) business days of receiving a NO<sub>x</sub> allowance transfer, the U.S. EPA will record a NO<sub>x</sub> allowance transfer by moving each NO<sub>x</sub> allowance from the transferor account to the transferee account as specified by the request, provided the following:

- (1) The transfer is correctly submitted under subsection (a).
- (2) The transferor account includes each NO<sub>x</sub> allowance identified by serial number in the transfer.
- (3) The transfer meets all other requirements of this section.

A NO<sub>x</sub> allowance transfer that is submitted for recordation following the NO<sub>x</sub> allowance transfer deadline and that includes any NO<sub>x</sub> allowances allocated for an ozone control period prior to, or the same as, the ozone control period to which the NO<sub>x</sub> allowance transfer deadline applies shall not be recorded until after completion of the process of recordation of NO<sub>x</sub> allowance allocations in section 10(h) of this rule.

(c) Where a NO<sub>x</sub> allowance transfer submitted for recordation fails to meet the requirements of subsection (b), the U.S. EPA will not record the transfer.

(d) The following notification requirements shall apply to NO<sub>x</sub> allowance transfers:

(1) Within five (5) business days of recordation of a NO<sub>x</sub> allowance transfer under subsection (b), the U.S. EPA will notify each party to the transfer. Notice shall be given to the NO<sub>x</sub> authorized account representatives of both the transferor and transferee accounts.

(2) Within ten (10) business days of receipt of a NO<sub>x</sub> allowance transfer that fails to meet the requirements of subsection (b), the U.S. EPA will notify the NO<sub>x</sub> authorized account representatives of both the transferor and transferee accounts subject to the transfer of the following:

- (A) A decision not to record the transfer.
- (B) The reasons for nonrecordation.

(e) Nothing in this section shall preclude the submission of a NO<sub>x</sub> allowance transfer for recordation following notification of nonrecordation. (*Air Pollution Control Board; 326 IAC 10-4-11; filed Aug 17, 2001, 3:45 p.m.: 25 IR 42*)

**326 IAC 10-4-12 NO<sub>x</sub> monitoring and reporting requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 12. (a) The owners and operators, and to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall comply with the monitoring and reporting requirements as provided in this rule and in 40 CFR 75, Subpart H\*. For purposes of complying with the requirements, the definitions in section 2 of this rule and 40 CFR 72.2\* shall apply, and the terms affected unit, designated representative, and continuous emission monitoring system (CEMS) in 40 CFR 75\* shall be replaced by the terms NO<sub>x</sub> budget unit, NO<sub>x</sub> authorized account representative, and continuous emission monitoring system (CEMS), respectively, as defined in section 2 of this rule.

(b) The owner or operator of each NO<sub>x</sub> budget unit and a unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, as provided in section 13 of this rule, must meet the following requirements:

(1) Install all monitoring systems required under this section for monitoring NO<sub>x</sub> mass. This includes all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> concentration, heat input rate, and stack flow rate, in accordance with 40 CFR 75.71\* and 40 CFR 75.72\*.

(2) Install all monitoring systems for monitoring heat input, if required under subsection (q) for developing NO<sub>x</sub> allowance allocations.

(3) Successfully complete all certification tests required under subsections (e) through (k) and meet all other provisions of this section and 40 CFR 75\* applicable to the monitoring systems under subdivisions (1) and (2).

(4) Record, report, and quality assure the data from the monitoring systems under subdivisions (1) and (2).

(c) The owner or operator must meet the requirements of subsection (b)(1) through (b)(3) on or before the following dates and must record, report, and quality assure the data from the monitoring systems on and after the following dates:

(1) NO<sub>x</sub> budget units for which the owner or operator intends to apply for early reduction credits under section 15(c) of this rule must comply with the requirements of this section by May 1 of the year prior to the year in which early reduction credits will be generated.

(2) Except for NO<sub>x</sub> budget units under subdivision (1), NO<sub>x</sub> budget units that commence operation before January 1, 2003, must comply with the requirements of this section by May 1, 2003.

(3) NO<sub>x</sub> budget units that commence operation on or after January 1, 2003, and that report on an annual basis under subsection

(o)(4) must comply with the requirements of this section by the later of the following dates:

(A) May 1, 2003.

(B) The earlier of:

(i) one hundred eighty (180) days after the date on which the unit commences operation; or

(ii) for electricity generating units, ninety (90) days after the date that the unit commences commercial operation.

(4) NO<sub>x</sub> budget units that commence operation on or after January 1, 2003, and that report on a control season basis under subsection (o)(4) must comply with the requirements of this section by the later of the following dates:

(A) The earlier of:

(i) one hundred eighty (180) days after the date on which the unit commences operation; or

(ii) for electricity generating units, ninety (90) days after the date on which the unit commences commercial operation.

(B) If the applicable deadline under clause (A) does not occur during an ozone control period, May 1 immediately following the date determined in accordance with clause (A).

(5) For a NO<sub>x</sub> budget unit with a new stack or flue for which construction is completed after the applicable deadline under subdivision (1), (2), or (3) or section 13 of this rule, compliance by the later of the following dates:

(A) Ninety (90) days after the date that emissions first exit to the atmosphere through the new stack or flue.

(B) If the unit reports on a control season basis under subsection (o)(4) and the applicable deadline under clause (A) does not occur during the ozone control period, May 1 immediately following the applicable deadline in clause (A).

(6) For a unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, the compliance dates specified under section 13 of this rule.

(d) The owner or operator of a NO<sub>x</sub> budget unit that misses the certification deadline under subsection (c)(1):

(1) is not eligible to apply for early reduction credits under section 15 of this rule; and

(2) becomes subject to the certification deadline under subsection (c)(2).

(e) The owner or operator of a NO<sub>x</sub> budget under subsection (c)(3) or (c)(4) must determine, record, and report NO<sub>x</sub> mass, heat input rate, if required for purposes of allocations, and any other values required to determine NO<sub>x</sub> mass, for example, NO<sub>x</sub> emission rate and heat input rate or NO<sub>x</sub> concentration and stack flow rate, using the provisions of 40 CFR 75.70(g)\*, from the date and hour that the unit starts operating until the date and hour that the continuous emission monitoring system, excepted monitoring system under 40 CFR 75, Appendix D\* or E\*, or excepted monitoring methodology under 40 CFR 75.19\* is provisionally certified.

(f) The following shall apply to any monitoring system, alternative monitoring system, alternative reference method, or any other alternative for a CEMS required under this rule:

(1) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii)\* shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with subsection (p).

(2) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii)\* shall operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for all the emissions in accordance with the applicable provisions of this rule and 40 CFR 75\*, except as provided for in 40 CFR 75.74\*.

(3) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii)\* shall disrupt the CEMS, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this rule and 40 CFR 75\* except as provided for in 40 CFR 75.74\*.

(4) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii)\* shall retire or permanently discontinue use of the CEMS, any component thereof, or any other approved emission monitoring system under this section, except under one (1) of the following circumstances:

(A) During the period that the unit is covered by a retired unit exemption under section 3 of this rule.

(B) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this rule and 40 CFR 75\*, by the department for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system.

(C) The NO<sub>x</sub> authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with subsection (h)(2).

(g) The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR 75\*, except the following:

(1) If, prior to January 1, 1998, the U.S. EPA approved a petition under 40 CFR 75.17(a)\* or 40 CFR 75.17(b)\* for apportioning the NO<sub>x</sub> emission rate measured in a common stack or a petition under 40 CFR 75.66\* for an alternative to a requirement in 40 CFR 75.17\*, the NO<sub>x</sub> authorized account representative shall resubmit the petition to the U.S. EPA under subsection (p)(1) to determine if the approval applies under the NO<sub>x</sub> budget trading program.

(2) For any additional CEMS required under the common stack provisions in 40 CFR 75.72\*, or for any NO<sub>x</sub> concentration CEMS used under the provisions of 40 CFR 75.71(a)(2)\*, the owner or operator shall meet the requirements of subsection (h).

(h) The owner or operator of a NO<sub>x</sub> budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19\* shall also meet the requirements of subsection (j) and the owner or operator of a unit that qualifies to use an alternative monitoring system under 40 CFR 75, Subpart E\* shall also meet the requirements of subsection (k). The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR 75.72\*, or that uses a NO<sub>x</sub> concentration CEMS under 40 CFR 75.71(a)(2)\* also shall comply with the following initial certification and recertification procedures:

(1) The owner or operator shall ensure that each monitoring system required by 40 CFR 75, Subpart H\*, that includes the automated data acquisition and handling system, successfully completes all of the initial certification testing required under 40 CFR 75.20\*. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in subsection (c). In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this section in a location where no monitoring system was previously installed, initial certification according to 40 CFR 75.20\* is required.

(2) Whenever the owner or operator makes a replacement, modification, or change in a certified CEMS that may significantly affect the ability of the system to accurately measure or record NO<sub>x</sub> mass emissions or heat input or to meet the requirements



of 40 CFR 75.21\* or 40 CFR 75, Appendix B\*, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b)\*. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the flow or concentration profile, the owner or operator shall recertify the CEMS according to 40 CFR 75.20(b)\*. Examples of changes that require recertification include replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

(3) Requirements for the certification approval process for initial certifications and recertification are as follows:

(A) The NO<sub>x</sub> authorized account representative shall submit to the appropriate U.S. EPA regional office and the department a written notice of the dates of certification in accordance with subsection (n).

(B) The NO<sub>x</sub> authorized account representative shall submit to the department a certification application for each CEMS required under 40 CFR 75, Subpart H\*. A complete certification application shall include the information specified in 40 CFR 75, Subpart H\*.

(C) Except for units using the low mass emission excepted methodology under 40 CFR 75.19\*, the provisional certification date for a monitor shall be determined using the procedures set forth in 40 CFR 75.20(a)(3)\*. A provisionally certified monitor may be used under the NO<sub>x</sub> budget trading program for a period of time not to exceed one hundred twenty (120) days after receipt by the department of the complete certification application for the CEMS or associated component thereof under clause (B). Data measured and recorded by the provisionally certified CEMS or associated component thereof, in accordance with the requirements of 40 CFR 75\*, shall be considered valid quality assured data, retroactive to the date and time of provisional certification, provided that the department does not invalidate the provisional certification by issuing a notice of disapproval within one hundred twenty (120) days of receipt of the complete certification application by the department.

(D) The department shall issue a written notice of approval or disapproval of the certification application to the owner or operator within one hundred twenty (120) days of receipt of the complete certification application under clause (B). In the event the department does not issue a notice within the one hundred twenty (120) day period, each CEMS that meets the applicable performance requirements of 40 CFR 75\* and is included in the certification application shall be deemed certified for use under the NO<sub>x</sub> budget trading program. The issuance of notices shall be as follows:

(i) If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75\*, then the department shall issue a written notice of approval of the certification application within one hundred twenty (120) days of receipt.

(ii) A certification application shall be considered complete when all of the applicable information required to be submitted under clause (B) has been received by the department. If the certification application is not complete, then the department shall issue a written notice of incompleteness that sets a reasonable date by which the NO<sub>x</sub> authorized account representative must submit the additional information required to complete the certification application. If the NO<sub>x</sub> authorized account representative does not comply with the notice of incompleteness by the specified date, then the department may issue a notice of disapproval under item (iii).

(iii) If the certification application shows that any CEMS or associated component thereof does not meet the performance requirements of this rule, or if the certification application is incomplete and the requirement for disapproval under item (ii) has been met, the department shall issue a written notice of disapproval of the certification application. Upon issuance of the notice of disapproval, the provisional certification is invalidated by the department and the data measured and recorded by each uncertified CEMS or associated component thereof shall not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in subsection (i) for each CEMS or associated component thereof which is disapproved for initial certification.

(iv) The department may issue a notice of disapproval of the certification status of a monitor in accordance with subsection (m).

(i) If the department issues a notice of disapproval of a certification application under subsection (h)(3)(D)(iii) or a notice of disapproval of certification status under subsection (h)(3)(D)(iv), then the following shall apply:

(1) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data specified in 40 CFR 75.20(a)(4)(iii)\*, 40 CFR 75.20(b)(5)\*, 40 CFR 75.20(h)(4)\*, or 40 CFR 75.21(e)\* and continuing until the date and hour specified under 40 CFR 75.20(a)(5)(i)\*:

(A) For units that the owner or operator is monitoring or intending to monitor for NO<sub>x</sub> emission rate and heat input rate

or intends to use or is using the low mass emission excepted methodology under 40 CFR 75.19\*:

- (i) the maximum potential NO<sub>x</sub> emission rate; and
- (ii) the maximum potential hourly heat input of the unit.

(B) For units monitoring or intending to monitor for NO<sub>x</sub> mass emissions using a NO<sub>x</sub> pollutant concentration monitor and a flow monitor:

- (i) the maximum potential concentration of NO<sub>x</sub>; and
- (ii) the maximum potential flow rate of the unit under 40 CFR 75, Appendix A, Section 2\*.

(2) The NO<sub>x</sub> authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subsection (h)(3)(A) and (h)(3)(C).

(3) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the department's notice of disapproval, no later than thirty (30) unit operating days after the date of issuance of the notice of disapproval.

(j) The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under 40 CFR 75.19\* and not subject to an acid rain program emissions limitation under 40 CFR 72\* shall meet the applicable general operating requirements of 40 CFR 75.10\*, the applicable requirements of 40 CFR 75.19\*, and the applicable certification requirements of subsections (h) and (i), except that the excepted methodology shall be deemed provisionally certified for use under the NO<sub>x</sub> budget trading program, as of the following dates:

(1) For a unit that does not have monitoring equipment initially certified or recertified as of the date on which the NO<sub>x</sub> authorized account representative submits the certification application under 40 CFR 75.19\* for the unit, starting on the date of such submission until the completion of the period for the department's review.

(2) For a unit that has monitoring equipment initially certified or recertified as of the date on which the NO<sub>x</sub> authorized account representative submits the certification application under 40 CFR 75.19\* for the unit and that reports data on an annual basis under 40 CFR 97.74(d)\*, starting January 1 of the year after the year of the certification application submission until the completion of the period for the department's review.

(3) For a unit that has monitoring equipment initially certified or recertified as of the date on which the NO<sub>x</sub> authorized account representative submits the certification application under 40 CFR 75.19\* for the unit and that reports on a control season basis under 40 CFR 97.74(d)\*, starting May 1 of the ozone control period after the year of such submission until the completion of the period for the department's review.

(k) The NO<sub>x</sub> authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the U.S. EPA and, if applicable, the department under 40 CFR 75, Subpart E\* shall apply to the department for certification prior to use of the system under the NO<sub>x</sub> trading program. The NO<sub>x</sub> authorized account representative shall apply for recertification following a replacement, modification, or change according to the procedures in subsection (h). The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in subsection (h)(3) and 40 CFR 75.20(f)\*.

(l) Whenever any monitoring system fails to meet the quality assurance requirements of 40 CFR 75\*, data shall be substituted using the applicable procedures in:

- (1) 40 CFR 75, Subpart D\*;
- (2) 40 CFR 75, Appendix D\*; or
- (3) 40 CFR 75, Appendix E\*.

(m) Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or associated component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under subsections (e) through (k) or the applicable provisions of 40 CFR 75\*, both at the time of the initial certification or recertification application submission and at the time of the audit, the department shall issue a notice of disapproval of the certification status of the system or associated component. For the purposes of this subsection, an audit shall be either a field audit or an audit of any information submitted to the U.S. EPA or the department. By issuing the notice of disapproval, the department revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests. The owner or operator shall follow the initial certification or recertification procedures in subsections (e) through (k) for each disapproved system or component.

(n) The NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit shall submit written notice to the department, the U.S.

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EPA, and the appropriate U.S. EPA Regional Office in accordance with 40 CFR 75.61\*, except that if the unit is not subject to an acid rain emissions limitation, the notification is only required to be sent to the department.

(o) The NO<sub>x</sub> authorized account representative shall comply with all record keeping and reporting requirements in this subsection and with the requirements of section 6(e) of this rule as follows:

(1) If the NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under 40 CFR 75, Subpart F\* or 40 CFR 75, Subpart G\* and that includes data and information required under this section or 40 CFR 75, Subpart H\* is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR 72\*, the submission must also be signed by the designated representative or the alternative designated representative.

(2) The owner or operator of a NO<sub>x</sub> budget unit shall comply with the following monitoring plan requirements:

(A) The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62\*, except that the monitoring plan shall also include all of the information required by 40 CFR 75, Subpart H\*.

(B) The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62\*, except that the monitoring plan is only required to include the information required by 40 CFR 75, Subpart H\*.

(3) The NO<sub>x</sub> authorized account representative shall submit an application to the department within forty-five (45) days after completing all initial certification or recertification tests required under subsections (e) through (k), including the information required under 40 CFR 75, Subpart H\*.

(4) The NO<sub>x</sub> authorized account representative shall submit quarterly reports as follows:

(A) If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO<sub>x</sub> budget unit chooses to meet the annual reporting requirements of this section, the NO<sub>x</sub> authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

(i) the units that elect to comply with the early reduction credit provisions under section 15 of this rule, the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C) or (j). Data shall be reported from the date and hour corresponding to the date and hour of provisional certification;

(ii) the units commencing operation prior to May 31, 2004, that are not required to certify monitors by May 1 prior to the year in which early reduction credits are generated under subsection (c)(1), the earlier of the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C) or (j) or, if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003, through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2003; or

(iii) for a unit that commences operation after May 1, 2003, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.

(B) If a NO<sub>x</sub> budget unit is not subject to an acid rain emission limitation, then the NO<sub>x</sub> authorized account representative shall do either the following:

(i) Meet all of the requirements of 40 CFR 75\* related to monitoring and reporting NO<sub>x</sub> mass emissions during the entire year and meet the reporting deadlines specified in clause (A)(i).

(ii) Submit quarterly reports covering the period May 1 through September 30 of each year and including the data described in 40 CFR 75.74(c)(6)\*. The NO<sub>x</sub> authorized account representative shall submit a quarterly report for each calendar quarter, beginning with the following:

(AA) The units that elect to comply with the early reduction credit provisions under section 15 of this rule, the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C) or (j). Data shall be reported from the date and hour corresponding to the date and hour of provisional certification.

(BB) The units commencing operation prior to May 1, 2003, that are not required to certify monitors by May 1, 2002, under subsection (c)(1), the earlier of the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C), or if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003 through June 30, 2003. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2003.

(CC) For units that commence operation after May 1, 2003, during the ozone control period, the calendar

quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.

(DD) For units that commence operation after May 1, 2003, and before May 1 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C) or (j) or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

(EE) For units that commence operation after May 1, 2003, and after September 30 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under subsection (h)(3)(C) or (j) or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

(C) The NO<sub>x</sub> authorized account representative shall submit each quarterly report to the U.S. EPA within thirty (30) days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75, Subpart H\* and 40 CFR 75.64\* and the following:

(i) For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in 40 CFR 75, Subpart H\* for each NO<sub>x</sub> budget unit, or group of units using a common stack, as well as information required in 40 CFR 75, Subpart G\*.

(ii) For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information required in 40 CFR 75, Subpart H\* for each NO<sub>x</sub> budget unit, or group of units using a common stack.

(D) The NO<sub>x</sub> authorized account representative shall submit to the department and the U.S. EPA a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state the following:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this section and 40 CFR 75\*, including the quality assurance procedures and specifications.

(ii) For a unit with add-on NO<sub>x</sub> emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1)\*, the add-on emission controls were operating within the range of parameters listed in the quality assurance and quality control program under 40 CFR 75, Appendix B\* and the substitute values do not systematically underestimate NO<sub>x</sub> emissions.

(iii) For a unit that is reporting on an ozone control period basis under this subdivision, the NO<sub>x</sub> emission rate and NO<sub>x</sub> concentration values substituted for missing data under 40 CFR 75, Subpart D\* are calculated using only values from an ozone control period and do not systematically underestimate NO<sub>x</sub> emissions.

(p) A petition requesting approval of alternatives to any requirement of this section may be made as follows:

(1) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66\* to the U.S. EPA requesting approval to apply an alternative to any requirement of this section as follows:

(A) Application for an alternative to any requirement of this section is in accordance with this subsection only to the extent that the petition is approved by the U.S. EPA, in consultation with the department.

(B) Notwithstanding this subdivision, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72\*, the petition is governed by subdivision (2).

(2) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that is not subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66\* to the department and the U.S. EPA requesting approval to apply an alternative to any requirement of this section as follows:

(A) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66\* to the department and the U.S. EPA requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72\* or a NO<sub>x</sub> concentration CEMS used under 40 CFR 75.71(a)(2)\*.

(B) Application of an alternative to any requirement of this section is in accordance with this section only to the extent the petition under this subsection is approved by both the department and the U.S. EPA.

(q) The following applies to the monitoring and reporting of NO<sub>x</sub> mass emissions:

(1) The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR 75\* for any source that has source allocations based upon heat input.

(2) The owner or operator of a unit that monitors and reports NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR 75\* for any source that is applying for early reduction credits under section 15(b) of this rule.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-12; filed Aug 17, 2001, 3:45 p.m.: 25 IR 42; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

### **326 IAC 10-4-13 Individual opt-ins**

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

Affected: IC 13-15; IC 13-17

Sec. 13. (a) A unit may qualify to become a NO<sub>x</sub> budget opt-in source under this section if the unit meets the following requirements:

- (1) Is not a NO<sub>x</sub> budget unit under section 1 of this rule.
- (2) Has all of its emissions vented to a stack.
- (3) Is currently operating.

A unit that is a NO<sub>x</sub> budget unit, is covered by an exemption under section 1(b) of this rule or a retired unit exemption under section 3 of this rule, or is not operating is not eligible to become a NO<sub>x</sub> budget opt-in source.

(b) Except otherwise as provided in this rule, a NO<sub>x</sub> budget opt-in source shall be treated as a NO<sub>x</sub> budget unit for purposes of applying sections 1 through 12 and 14 of this rule.

(c) A unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, or a NO<sub>x</sub> budget opt-in source, located at the same source as one (1) or more NO<sub>x</sub> budget units, shall have the same NO<sub>x</sub> authorized account representative as the NO<sub>x</sub> budget units.

(d) In order to apply for an initial NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under subsection (a) may submit an application to the department at any time, except as provided under subsection (g), that includes the following:

- (1) A complete NO<sub>x</sub> budget permit application under section 7(c) of this rule.
- (2) A monitoring plan submitted in accordance with section 12 of this rule.
- (3) A complete account certificate of representation under section 6(h) of this rule, if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit a complete NO<sub>x</sub> budget permit application under section 7(c) of this rule to renew the NO<sub>x</sub> budget opt-in permit in accordance with section 7(b)(1)(C) and 7(b)(2)(C) of this rule and, if applicable, an updated monitoring plan in accordance with section 12 of this rule.

(e) The department shall issue or deny a NO<sub>x</sub> budget opt-in permit for a unit for which an initial application for a NO<sub>x</sub> budget opt-in permit under subsection (d) is submitted, in accordance with section 7(a) of this rule and the following:

- (1) The department shall determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> budget opt-in permit under subsection (d). A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input of the unit are monitored and reported in accordance with section 12 of this rule. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.
- (2) If the department determines that the unit's monitoring plan is sufficient under subdivision (1) and after completion of monitoring system certification under 40 CFR 75, Subpart H\* and section 12 of this rule, the NO<sub>x</sub> emissions rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule for one (1) full ozone control period during which percent monitor data availability is not less than ninety percent (90%) and

during which the unit is in full compliance with any applicable state or federal NO<sub>x</sub> emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a NO<sub>x</sub> budget unit prior to issuance of a NO<sub>x</sub> budget opt-in permit covering the unit.

(3) Based on the information monitored and reported under subdivision (2), the unit's baseline heat rate shall be calculated as the unit's total heat input, in million British thermal units, for the ozone control period and the unit's baseline NO<sub>x</sub> emissions rate shall be calculated as the unit's total NO<sub>x</sub> mass emissions, in pounds, for the ozone control period divided by the unit's baseline heat rate.

(4) After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under subdivision (3), the department shall serve a draft NO<sub>x</sub> budget opt-in permit on the NO<sub>x</sub> authorized account representative of the unit.

(5) Within twenty (20) days after the issuance of the draft NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of the unit must submit to the department a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> budget opt-in permit under subsection (d). The department shall treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> budget opt-in permit application.

(6) If the NO<sub>x</sub> authorized account representative confirms the intention to opt in the unit under subdivision (5), the department shall issue the draft NO<sub>x</sub> budget opt-in permit in accordance with section 7(a) of this rule.

(7) Notwithstanding subdivisions (1) through (6), if at any time before issuance of a draft NO<sub>x</sub> budget opt-in permit for the unit, the department determines that the unit does not qualify as a NO<sub>x</sub> budget opt-in source under subsection (a), the department shall issue a draft denial of a NO<sub>x</sub> budget opt-in permit for the unit in accordance with section 7(a) of this rule.

(8) A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> budget opt-in permit under subsection (d) at any time prior to the issuance of the final NO<sub>x</sub> budget opt-in permit. Once the application for a NO<sub>x</sub> budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to reapply must submit a new application for a NO<sub>x</sub> budget permit under subsection (d).

(9) The effective date of the initial NO<sub>x</sub> budget opt-in permit shall be May 1 of the first ozone control period starting after the issuance of the initial NO<sub>x</sub> budget opt-in permit by the department. The unit shall be a NO<sub>x</sub> budget opt-in source and a NO<sub>x</sub> budget unit as of the effective date of the initial NO<sub>x</sub> budget opt-in permit.

(f) The following shall apply to the content of a NO<sub>x</sub> budget opt-in permit:

(1) Each NO<sub>x</sub> budget opt-in permit, including any draft or proposed NO<sub>x</sub> budget opt-in permit, if applicable, shall contain all elements required for a complete NO<sub>x</sub> budget opt-in permit application under section 7(c) of this rule.

(2) Each NO<sub>x</sub> budget opt-in permit is deemed to incorporate automatically the definitions of terms under section 2 of this rule and, upon recordation by the U.S. EPA under this section and sections 10 and 11 of this rule, every allocation, transfer, or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> budget opt-in source covered by the NO<sub>x</sub> budget opt-in permit or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located.

(g) The following requirements must be satisfied in order to withdraw an opt-in unit from the NO<sub>x</sub> budget trading program:

(1) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than ninety (90) days prior to the requested effective date of withdrawal.

(2) Before a NO<sub>x</sub> budget opt-in source covered by a request under subdivision (1) may withdraw from the NO<sub>x</sub> budget trading program and the NO<sub>x</sub> budget opt-in permit may be terminated under subdivision (6), the following conditions must be met:

(A) For the ozone control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> authorized account representative must submit or must have submitted to the department an annual compliance certification report in accordance with section 8 of this rule.

(B) If the NO<sub>x</sub> budget opt-in source has excess emissions for the ozone control period immediately before the withdrawal is to be effective, the U.S. EPA will deduct or have deducted from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, the full amount required under section 10(k)(5) through 10(k)(7) of this rule for the ozone control period.

(C) After the requirements for withdrawal under this subdivision and subdivision (1) are met, the U.S. EPA will deduct from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to, and allocated for, the same or a prior ozone control period as any NO<sub>x</sub> allowances allocated to that source under subsection (i) for any ozone control period for which the withdrawal is to be effective. The U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account and shall establish, and transfer any remaining allowances to, a new general account for the owners and operators of

the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(3) A NO<sub>x</sub> budget opt-in source that withdraws from the NO<sub>x</sub> budget trading program shall comply with all requirements under the NO<sub>x</sub> budget trading program concerning all years for which the NO<sub>x</sub> budget opt-in source was a NO<sub>x</sub> budget opt-in source, even if the requirements arise or must be complied with after the withdrawal takes effect.

(4) After the requirements for withdrawal under subdivisions (1) and (2) are met, including deduction of the full amount of NO<sub>x</sub> allowances required, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source of the acceptance of the withdrawal of the NO<sub>x</sub> budget opt-in source as of a specified effective date that is after the requirements have been met and that is prior to May 1 or after September 30.

(5) If the requirements for withdrawal under subdivisions (1) and (2) are not met, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source that the NO<sub>x</sub> budget opt-in source's request to withdraw is denied. If the NO<sub>x</sub> budget opt-in source's request to withdraw is denied, the NO<sub>x</sub> budget opt-in source shall remain subject to the requirements for a NO<sub>x</sub> budget opt-in source.

(6) After the department issues a notification under subdivision (4) that the requirements for withdrawal have been met, the department shall revise the NO<sub>x</sub> budget permit covering the NO<sub>x</sub> budget opt-in source to terminate the NO<sub>x</sub> budget opt-in permit as of the effective date specified under subdivision (1). A NO<sub>x</sub> budget opt-in source shall continue to be a NO<sub>x</sub> budget opt-in source until the effective date of the termination.

(7) If the department denies the NO<sub>x</sub> budget opt-in source's request to withdraw, the NO<sub>x</sub> authorized account representative may submit another request to withdraw in accordance with subdivisions (1) and (2).

Once a NO<sub>x</sub> budget opt-in source withdraws from the NO<sub>x</sub> budget trading program and its NO<sub>x</sub> budget opt-in permit is terminated under this section, the NO<sub>x</sub> authorized account representative may not submit another application for a NO<sub>x</sub> budget opt-in permit under subsection (d) for the unit prior to the date that is four (4) years after the date on which the terminated NO<sub>x</sub> budget opt-in permit became effective.

(h) When a NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule, the NO<sub>x</sub> authorized account representative shall notify the department and the U.S. EPA in writing of the change in the NO<sub>x</sub> budget opt-in source's regulatory status, within thirty (30) days of the change. If there is a change in the regulatory status, the department and the U.S. EPA will take the following actions concerning a NO<sub>x</sub> budget opt-in source:

(1) When the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule, the department shall revise the NO<sub>x</sub> budget opt-in source's NO<sub>x</sub> budget opt-in permit to meet the requirements of a NO<sub>x</sub> budget permit under section 7(d) and 7(e) of this rule as of an effective date that is the date on which the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule.

(2) The U.S. EPA will deduct from the compliance account for the NO<sub>x</sub> budget unit under subdivision (1), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, NO<sub>x</sub> allowances equal in number to, and allocated for, the same or a prior ozone control period as follows:

(A) Any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub> budget opt-in source, under subsection (i) for any ozone control period after the last ozone control period during which the unit's NO<sub>x</sub> budget opt-in permit was effective.

(B) If the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) is during an ozone control period, the NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub> budget opt-in source, under subsection (i) for the ozone control period multiplied by the ratio of the number of days, in the ozone control period, starting with the effective date of the permit revision under subdivision (1), divided by the total number of days in the ozone control period.

(3) The NO<sub>x</sub> authorized account representative shall ensure that the compliance account of the NO<sub>x</sub> budget unit under subdivision (1), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, includes the NO<sub>x</sub> allowances necessary for completion of the deduction under subdivision (2). If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(4) For every ozone control period during which the NO<sub>x</sub> budget permit revised under subdivision (1) is effective, the following shall apply:

(A) The NO<sub>x</sub> budget unit under subdivision (1) shall be treated, solely for the purposes of NO<sub>x</sub> allowance allocations under section 9(c) through 9(e) of this rule, as a unit that commenced operation on the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) and shall be allocated NO<sub>x</sub> allowances under section 9(c) through 9(e) of this rule.

(B) Notwithstanding clause (A), if the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) is during

an ozone control period, the following number of NO<sub>x</sub> allowances shall be allocated to the NO<sub>x</sub> budget unit. The number of NO<sub>x</sub> allowances otherwise allocated to the NO<sub>x</sub> budget unit under section 9(c) through 9(e) of this rule for the ozone control period multiplied by the ratio of the number of days, in the ozone control period, starting with the effective date of the permit revision under subdivision (1), divided by the total number of days in the ozone control period.

(5) When the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source does not renew its NO<sub>x</sub> budget opt-in permit under subsection (d), the U.S. EPA will deduct from the NO<sub>x</sub> budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior ozone control period as any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget opt-in source under subsection (i) for any ozone control period after the last ozone control period for which the NO<sub>x</sub> budget opt-in permit is effective. The NO<sub>x</sub> authorized account representative shall ensure that the NO<sub>x</sub> budget opt-in source's compliance account or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located includes the NO<sub>x</sub> allowances necessary for completion of the deduction. If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(6) After the deduction under subdivision (5) is completed, the U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account. If any NO<sub>x</sub> allowances remain in the compliance account after completion of the deduction and any deduction under section 10(j) and 10(k) of this rule, the U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account and will establish, and transfer any remaining allowances to a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(i) The department shall allocate NO<sub>x</sub> allowances to NO<sub>x</sub> budget opt-in sources as follows:

(1) By December 31 immediately before the first ozone control period for which the NO<sub>x</sub> budget opt-in permit is effective, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source and submit to the U.S. EPA the allocation for the ozone control period in accordance with subdivision (3).

(2) By no later than December 31, after the first ozone control period for which the NO<sub>x</sub> budget opt-in permit is in effect, and December 31 of each year thereafter, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source, and submit to the U.S. EPA allocations for the next ozone control period, in accordance with subdivision (3).

(3) For each ozone control period for which the NO<sub>x</sub> budget opt-in source has an approved NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> budget opt-in source shall be allocated NO<sub>x</sub> allowances according to the following procedures:

(A) The heat input, in million British thermal units, used for calculating NO<sub>x</sub> allowance allocations shall be the lesser of the following:

(i) The NO<sub>x</sub> budget opt-in source's baseline heat input determined pursuant to subsection (e)(3).

(ii) The NO<sub>x</sub> budget opt-in source's heat input, as determined in accordance with section 12 of this rule, for the ozone control period in the year prior to the year of the ozone control period for which the NO<sub>x</sub> allocations are being calculated.

(B) The department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source in an amount equaling the heat input, in million British thermal units, determined under clause (A) multiplied by the lesser of the following:

(i) The NO<sub>x</sub> budget opt-in source's baseline NO<sub>x</sub> emissions rate, in pounds per million British thermal units, determined pursuant to subsection (e)(3).

(ii) The most stringent state or federal NO<sub>x</sub> emissions limitation applicable to the NO<sub>x</sub> budget opt-in source during the ozone control period.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-13; filed Aug 17, 2001, 3:45 p.m.: 25 IR 48; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

**326 IAC 10-4-14 NO<sub>x</sub> allowance banking**

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

Affected: IC 13-15; IC 13-17



Sec. 14. (a) NO<sub>x</sub> allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account as follows:

(1) Any NO<sub>x</sub> allowance that is held in a compliance account, an overdraft account, or a general account shall remain in the account unless and until the NO<sub>x</sub> allowance is deducted or transferred under:

- (A) section 8(d), 8(e), 10(j), 10(k), 11, or 13 of this rule; or
- (B) subsection (b).

(2) The U.S. EPA will designate, as a banked NO<sub>x</sub> allowance, any NO<sub>x</sub> allowance that remains in a compliance account, an overdraft account, or a general account after the U.S. EPA has made all deductions for a given ozone control period from the compliance account or overdraft account pursuant to section 10(j) and 10(k) of this rule, 40 CFR 97\*, a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA, or a federal implementation plan and that was allocated for that ozone control period or a ozone control period in a prior year.

(b) Each year starting in 2005, after the U.S. EPA has completed the designation of banked NO<sub>x</sub> allowances under subsection (a)(2) and before May 1 of the year, the U.S. EPA will determine the extent that banked NO<sub>x</sub> allowances may be used for compliance in the ozone control period for the current year as follows:

(1) The U.S. EPA will determine the total number of banked NO<sub>x</sub> allowances held in compliance accounts, overdraft accounts, or general accounts.

(2) If the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts is less than or equal to ten percent (10%) of the sum of the trading program budget for the ozone control period, any banked NO<sub>x</sub> allowance may be deducted for compliance in accordance with section 10(k) of this rule.

(3) If the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts exceeds ten percent (10%) of the sum of the trading program budget for the ozone control period, any banked allowance may be deducted for compliance in accordance with section 10(k) of this rule, except as follows:

(A) The U.S. EPA will determine the following ratio:

- (i) One-tenth (0.10) multiplied by the sum of the trading program budget for the ozone control period.
- (ii) Divided by the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts.

(B) The U.S. EPA will multiply the number of banked NO<sub>x</sub> allowances in each compliance account or overdraft account by the ratio determined under clause (A). The resulting product is the number of banked NO<sub>x</sub> allowances in the account that may be deducted for compliance in accordance with section 10(k) of this rule. Any banked NO<sub>x</sub> allowances in excess of the resulting product may be deducted for compliance in accordance with section 10(k) of this rule, except that, if these NO<sub>x</sub> allowances are used to make a deduction, two (2) NO<sub>x</sub> allowances must be deducted for each deduction of one (1) NO<sub>x</sub> allowance required under section 10(k) of this rule.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-14; filed Aug 17, 2001, 3:45 p.m.: 25 IR 52; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

**326 IAC 10-4-15 Compliance supplement pool**

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

Affected: IC 13-15; IC 13-17

Sec. 15. (a) The department may allow sources required to implement NO<sub>x</sub> emission control measures by May 31, 2004, and subject to this rule, to demonstrate compliance in the 2004 and 2005 ozone control periods using credit issued from a compliance supplement pool in accordance with this section. A source may not use credit from the compliance supplement pool to demonstrate compliance after the 2005 ozone control period.

(b) The department may distribute NO<sub>x</sub> allocations from the compliance supplement pool to NO<sub>x</sub> budget units that are required to implement control measures using one (1) or both of the following mechanisms:

(1) The department may issue credits to NO<sub>x</sub> budget units that implement emissions reductions beyond all applicable requirements from May 1 through and including September 30 in any year in 2001 through 2003 according to the following provisions:

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AIR POLLUTION CONTROL BOARD

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(A) The department shall complete the issuance process the year after the control measures were implemented as follows:

- (i) For sources subject to 40 CFR 97\*, no later than March 31, 2003.
- (ii) For sources not subject to 40 CFR 97\*, no later than March 31, 2004.

(B) The emissions reduction may not be required by Indiana's state implementation plan (SIP), state law or rule, or be otherwise required by the Clean Air Act (CAA).

(C) The emissions reduction must be verified by the source as actually having occurred from May 1 through and including September 30 in any year in 2001 through 2003.

(D) Each NO<sub>x</sub> budget unit for which the owner or operator requests any early reduction credits under this section shall monitor NO<sub>x</sub> emissions in accordance with 40 CFR 75, Subpart H\* starting in the ozone control period prior to the ozone control period for which the early reduction credits are requested and for each ozone control period for which the early reduction credits are requested. The unit's percent monitor data availability shall be not less than ninety percent (90%) during the ozone control period prior to the ozone control period for which the early reduction credits are requested, and the unit must be in compliance with any applicable state or federal NO<sub>x</sub> emissions or emissions-related requirements during the ozone control period for which the early reduction credits are requested.

(E) The emissions reduction must be quantified according to procedures set forth in 40 CFR 75, Subpart H\*.

(F) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that meets the requirements of clauses (B) through (D) may submit to the department a request for early reduction credits for the unit based on NO<sub>x</sub> emission rate reductions made by the unit in the ozone control period for any year in 2001 through 2003. The request shall include the following:

- (i) In the early reduction credit request, the NO<sub>x</sub> authorized account may request early reduction credits for the ozone control period in an amount equal to the unit's heat input for the ozone control period multiplied by the difference between:

- (AA) the unit's actual average NO<sub>x</sub> emission rate in the ozone control period prior to the first ozone control period for which the early reduction credits are requested;

- (BB) the unit's NO<sub>x</sub> emission rate for the ozone control period in which the early reductions occurred; divided by two thousand (2,000) pounds per ton, and rounded to the nearest ton.

- (ii) The early reduction credit request must be submitted, in a format specified by the department, by October 31 of the year in which the NO<sub>x</sub> emission rate reductions on which the request is based are made or a later date approved by the department.

(G) The department shall allocate NO<sub>x</sub> allowances from the compliance supplement pool, to NO<sub>x</sub> budget units meeting the requirements of this subdivision, in accordance with the following procedures:

- (i) Upon receipt of each early reduction credit request, the department shall accept the request only if the requirements of clauses (B) through (D) and (F)(ii) are met and, if the request is accepted, shall make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of clauses (B) through (D).

- (ii) If the compliance supplement pool has an amount of NO<sub>x</sub> allowances equal to or greater than the number of early reduction credits in all accepted early reduction credit requests for any year in 2001 through 2003, as adjusted under item (i), the department shall allocate to each NO<sub>x</sub> budget unit covered by the accepted requests one (1) allowance for each early reduction credit requested, as adjusted under item (i).

- (iii) If the compliance supplement pool has an amount of NO<sub>x</sub> allowances less than the number of early reduction credits in all accepted early reduction credit requests for any year in 2001 through 2003, as adjusted under item (i), the department shall allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit covered by the accepted requests according to the formula, A NO<sub>x</sub> budget unit's allocated early reduction credits = ((NO<sub>x</sub> budget unit's adjusted early reduction credits) ÷ (total adjusted early reduction credits requested by all NO<sub>x</sub> budget units)) × (available NO<sub>x</sub> allowances from the compliance supplement pool) where:

- (AA) A NO<sub>x</sub> budget unit's adjusted early reduction credits is the number of early reduction credits for the unit for any year in 2001 through 2003 in accepted early reduction credit requests, as adjusted under item (i).

- (BB) Total adjusted early reduction credits requested by all NO<sub>x</sub> budget units is the number of early reduction credits for all NO<sub>x</sub> budget units for any year in 2001 through 2003 in accepted early reduction

credit requests, as adjusted under item (i).

(CC) Available NO<sub>x</sub> allowances from the compliance supplement pool is the number of NO<sub>x</sub> allowances in the compliance supplement pool and available for early reduction credits for 2001 through 2003.

(H) By March 31 of the year following the request, the department shall submit to the U.S. EPA the allocations of NO<sub>x</sub> allowances determined under clause (G). The U.S. EPA will record the allocations to the extent that they are consistent with the requirements of clauses (B) through (G).

(I) NO<sub>x</sub> allowances recorded under clause (H) may be deducted for compliance under section 10(k) of this rule for the ozone control periods in 2003 through 2005, except that no more than two thousand four hundred fifty-four (2,454) tons shall be available for use in 2003. Notwithstanding section 14(a) of this rule, the U.S. EPA will deduct as retired any NO<sub>x</sub> allowance that is recorded under clause (G) and is not deducted for compliance in accordance with section 10(k) of this rule for the ozone control period in 2004 or 2005.

(J) NO<sub>x</sub> allowances recorded under clause (G) are treated as banked allowances in 2005 for the purposes of section 14(a) and 14(b) of this rule.

(K) Sources that receive credit according to the requirements of this section may trade the credit to other sources or persons according to the provisions in this rule.

(2) The department may issue to NO<sub>x</sub> budget units that demonstrate a need for an extension of the May 31, 2004, compliance deadline according to the following provisions:

(A) The department shall initiate the issuance process by the later date of September 30, 2002, or after the department issues credit according to the procedures in subdivision (1).

(B) The department shall complete the issuance process by no later than May 31, 2004.

(C) The department shall issue credit to a source only if the source demonstrates the following:

(i) For electricity generating units, compliance with the applicable control measures under this rule by May 31, 2004, would create undue risk for the reliability of the electricity supply. This demonstration must include a showing that it would not be feasible to import electricity from other electricity generation systems during the installation of control technologies necessary to comply with this rule.

(ii) For large affected units, compliance with the applicable control measures under this rule by May 31, 2004, would create undue risk for the source or its associated industry to a degree that is comparable to the risk described in item (i).

(iii) For a unit subject to this rule and subdivision (1) that allows for early reduction credits, it was not possible for the source to comply with applicable control measures by generating early reduction credits or acquiring early reduction credits from other sources.

(iv) For a unit subject to an approved emissions trading program under this rule, it was not possible to comply with applicable control measures by acquiring sufficient credit from other sources or persons subject to the emissions trading program.

(D) The department shall ensure the public an opportunity, through a public hearing process, to comment on the appropriateness of allocating compliance supplement pool credits to a NO<sub>x</sub> budget unit under clause (C).

(c) The total number of NO<sub>x</sub> allowances available from the compliance supplement pool shall not exceed nineteen thousand nine hundred fifteen (19,915) tons of NO<sub>x</sub>, except that no more than two thousand four hundred fifty-four (2,454) tons shall be available for use in 2003. No more than fifty percent (50%) of the compliance supplement pool shall be allocated in 2003 for early reductions implemented in 2001 and 2002. The remainder of the compliance supplement pool shall be allocated in 2004 for early reductions implemented in 2003 and any demonstrations of need. Any NO<sub>x</sub> allowances that remain in the compliance supplement pool after the 2005 ozone control period shall be retired.

\*These documents are incorporated by reference, and copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-15; filed Aug 17, 2001, 3:45 p.m.: 25 IR 53; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

## **ARTICLE 11. EMISSION LIMITATIONS FOR SPECIFIC TYPES OF OPERATIONS**

### **Rule 1. Existing Foundries**

**326 IAC 11-1-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 1. This rule establishes emission limitations for particulate matter from foundries. Particulate emissions from all foundries in operation on or before December 6, 1968, shall comply with the requirements set forth in section 2 of this rule. All foundries beginning operation after December 6, 1968, shall comply with 326 IAC 6-3. If any emission limit established by this rule is inconsistent with applicable limits contained in 326 IAC 6-1, then the limit contained herein shall not apply; but the limit in 326 IAC 6-1 shall apply. *(Air Pollution Control Board; 326 IAC 11-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2548; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2371; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1602)*

**326 IAC 11-1-2 Particulate matter emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. No facility subject to this rule (326 IAC 11-1) shall cause, suffer, or allow particulate matter to be emitted in excess of the amount shown in the following table.

Allowable Emissions from Foundry Cupolas	
Process Weight Rate Lbs/Hr	Allowable Emission of Particulate Matter Lbs/Hr
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.65
6,000	11.30
7,000	12.90
8,000	14.00
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	22.80
20,000	24.00
30,000	30.00
40,000	36.00
50,000	42.00
60,000	48.00
70,000	49.00
80,000	50.50
90,000	51.60
100,000	52.60

*(Air Pollution Control Board; 326 IAC 11-1-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2548; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 2. Sulfuric Acid Plants**

**326 IAC 11-2-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) All sulfuric acid production facilities located in Indiana are subject to the emission limitations specified in this rule and shall be defined as established in subsection (b).

(b) As used in this rule, "sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylolation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge. The term does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds. (*Air Pollution Control Board; 326 IAC 11-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2548; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2371; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1603*)

**326 IAC 11-2-2 Gaseous emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. (a) New Sources: Gaseous emissions from sulfuric acid production facilities constructed after December 23, 1971, shall be limited to ten percent (10%) opacity and shall not contain sulfuric acid mist in excess of 0.075 kg per metric ton of acid produced (0.15 lb per ton), the production of which being expressed as one hundred percent (100%) H<sub>2</sub>SO<sub>4</sub>.

(b) Existing Sources: After January 1, 1980, no gaseous emissions shall be discharged into the atmosphere, from sulfuric acid production facilities in existence prior to December 23, 1971, which contain sulfuric acid mist in excess of 0.25 kg per metric ton of acid produced (0.5 lb per ton) the production of which being expressed as one hundred percent (100%) H<sub>2</sub>SO<sub>4</sub>. (*Air Pollution Control Board; 326 IAC 11-2-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2548; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-2-3 Compliance determination**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. Compliance with the emission limitations contained in this rule (326 IAC 11-2) shall be determined as specified in 40 CFR 60, Appendix A, Method 8. (*Air Pollution Control Board; 326 IAC 11-2-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2548; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 3. Coke Oven Batteries**

**326 IAC 11-3-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to all coke oven batteries for which construction or modification commenced prior to June 19, 1979. Emission limitations for coke oven batteries construction or modification of which commences after June 19, 1979, shall be established as permit conditions pursuant to the provisions and requirements of 326 IAC 2 concerning permits and new source review. (*Air Pollution Control Board; 326 IAC 11-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2548; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2371; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1603*)

**326 IAC 11-3-2 Emission limitations**

Authority: IC 13-1-1-4; IC 13-7-2-10; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 2. (a) Precarbonization emissions requirements shall be as follows:

(1) Particulate emissions from precarbonization towers shall be limited by the emission limitations determined under 326 IAC 6-1.

(2) Visible emissions from any precarbonization unit shall comply with the requirements set forth in 326 IAC 5-1.

(b) Visible emissions from the charging system, including any open charge port, offtake system, mobile jumper pipe, or larry car shall be limited as follows:

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(1) On and after July 1, 1979, such emissions shall not be visible for more than a cumulative total of two hundred (200) seconds during five (5) consecutive charging periods.

(2) On and after July 1, 1980, such emissions shall not be visible for more than a cumulative total of one hundred seventy-five (175) seconds during five (5) consecutive charging periods.

(3) On and after July 1, 1981, such emissions shall not be visible for more than a cumulative total of one hundred fifty (150) seconds during five (5) consecutive charging periods.

(4) On and after July 1, 1982, such emissions shall not be visible for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods.

(5) One (1) charge out of twenty (20) consecutive charges shall be exempt from the total seconds of charging emissions using the procedures set forth in section 4(a) of this rule.

(c) Charge port lid emissions requirements shall be as follows:

(1) On and after July 1, 1979, no visible emissions shall be permitted from more than ten percent (10%) of the total charge port lids on any coke oven battery.

(2) On and after July 1, 1980, no visible emissions shall be permitted from more than seven percent (7%) of the total charge port lids on any coke oven battery.

(3) On and after July 1, 1981, no visible emissions shall be permitted from more than five percent (5%) of the total charge port lids on any coke oven battery.

(4) On and after July 1, 1982, no visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on any coke oven battery.

(d) Offtake piping emissions requirements shall be as follows:

(1) On and after July 1, 1979, no visible emissions shall be permitted from more than thirty percent (30%) of the total offtake piping on any coke oven battery.

(2) On and after July 1, 1980, no visible emissions shall be permitted from more than twenty-five percent (25%) of the total offtake piping on any coke oven battery.

(3) On and after July 1, 1981, no visible emissions shall be permitted from more than twenty percent (20%) of the total offtake piping on any coke oven battery.

(4) On and after July 1, 1982, no visible emissions shall be permitted from more than ten percent (10%) of the total offtake piping on any coke oven battery.

(5) On and after December 10, 1993, no visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery within Lake County.

(e) Gas collector main emissions requirements shall be as follows:

(1) On and after July 1, 1979, no visible emissions shall be permitted from more than eight (8) points on the gas collector main, excluding the connection with the standpipes.

(2) On and after July 1, 1980, no visible emissions shall be permitted from more than six (6) points on the gas collector main, excluding the connection with the standpipes.

(3) On and after July 1, 1981, no visible emissions shall be permitted from more than five (5) points on the gas collector main, excluding the connection with the standpipes.

(4) On and after July 1, 1982, no visible emissions shall be permitted from more than three (3) points on the gas collector main, excluding the connection with the standpipes.

(5) On and after December 10, 1993, no visible emissions shall be permitted from the gas collector main on any coke oven battery within Lake County.

(f) Oven door emissions requirements shall be as follows:

(1) On and after July 1, 1979, no visible emissions shall be permitted from more than twenty-five percent (25%) of the total coke oven doors, plus four (4) doors, on any coke oven battery.

(2) On and after July 1, 1980, no visible emissions shall be permitted from more than twenty percent (20%) of the total coke oven doors, plus four (4) doors, on any coke oven battery.

(3) On and after July 1, 1981, no visible emissions shall be permitted from more than fifteen percent (15%) of the total coke oven doors, plus four (4) doors, on any coke oven battery.

(4) On and after July 1, 1982, no visible emissions shall be permitted from more than ten percent (10%) of the total coke oven doors, plus four (4) doors, on any coke oven battery.

(5) On and after December 10, 1993, no visible emissions shall be permitted from more than ten percent (10%) of the

observed coke oven doors on any coke oven battery within Lake County.

(g) Pushing emissions requirements shall be as follows:

(1) All coke oven batteries shall be equipped with a device capable of capturing and collecting coke-side particulate matter such that the effluent gas emissions contain no more than four-hundredths (0.04) gram per two (2.0) kilogram of coke pushed.

(2) Such device shall be designed and operated in compliance with an operating permit to collect ninety percent (90%) of the pushing emissions. If the construction and design of the device have been approved by the commissioner by granting the permit, the device, if operated properly in compliance with the permit conditions, will be assumed to be collecting ninety percent (90%) of the pushing emissions. The permit shall be submitted to U.S. EPA as a SIP revision.

(h) Quenching emissions requirements shall be as follows:

(1) Quench towers serving existing coke oven batteries for which construction commenced prior to June 19, 1979, shall not have visible emissions from the quenching of coke with the direct application of water to hot coke unless quenching is conducted under a tower equipped with efficient baffles to impede the release of particulates into the atmosphere. Efficient baffles are baffles taking the form of slats, louvers, screens, or other impediments placed in a configuration within a quench tower to force a change of direction and reduction of velocity of the steam plume to aid in the reduction of particulate matter emitted.

(2) The quench water makeup must contain a total dissolved solids content of no more than one thousand five hundred (1,500) milligrams per liter. If an individual facility or source is required to comply with conflicting Indiana water pollution control requirements, the commissioner may revise quenching requirements of this subsection on a case-by-case basis. Prior to granting or denying such a revision, the commissioner shall consider the following factors:

(A) The total estimated particulate emissions from the quenching operation of the facility or source at the time the petition is filed.

(B) The amount of reduction in particulate emissions which would be realized if the source were required to comply with the requirements of this subsection.

(C) The net increase in pollutant loadings to any receiving waters which would result from measures needed to comply with this subsection.

(D) The net overall environmental effect of requiring the facility or source to comply with this subsection.

(E) The costs which will necessarily be incurred by the facility or source to comply with this subsection.

(i) Underfire particulate and sulfur dioxide emissions requirements shall be as follows:

(1) Particulate and sulfur dioxide emissions from underfire stacks shall be limited by the emission limitations determined under 326 IAC 6-1, 326 IAC 6-2, and 326 IAC 7-1.1, respectively.

(2) Visible emissions from any underfire stack shall comply with 326 IAC 5-1.

*(Air Pollution Control Board; 326 IAC 11-3-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2549; filed May 12, 1993, 11:30 a.m.: 16 IR 2398; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-3-3 Identification of coke oven**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. The identity of each coke oven shall be maintained in such a manner that it is easily and readily visible from the topside and on each coke and push-side on every coke oven battery. *(Air Pollution Control Board; 326 IAC 11-3-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2550; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-3-4 Compliance determination**

Authority: IC 13-1-1-4; IC 13-7-2-10; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 4. (a) This subsection applies to charging emissions. To determine compliance with section 2(b) of this rule, observations shall be made and the identity recorded from any point or points on the topside of a coke oven battery such that the observer can obtain an unobstructed view of the charging operation. The observer shall keep cumulative time of the total number of seconds charging emissions are visible. Time is started when a visible emission appears and is stopped when the visible emission expires. This procedure shall continue throughout the entire charging period. Visible emissions occurring simultaneously from two (2) or

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more separate points shall be timed as one (1). The following shall not be timed:

- (1) Visible emissions from burning coal spilled on the top of the oven or oven lids during charging.
- (2) Visible emissions from any equipment other than the charging system or charge ports.
- (3) Visible emissions from standpipes during charging.
- (4) Visible emissions from the charge port lids and the standpipe on the oven most recently charged.
- (5) Visible emissions from coke oven doors which may be wind-blown across the topside of a coke oven battery.
- (6) Visible emissions due to steam from uncombined water.

The time retained is the total time visible emissions are observed during a charge and shall be recorded on a data sheet. If the observations of a consecutive set of five (5) charges are interrupted by an event not in the control of the observer, for example, momentary interference by a passing quench car plume, then the data for the interrupted charge(s) shall be discarded and additional consecutive charges shall be observed. Five (5) charges observed as such shall be treated as consecutive charges. To determine compliance with section (2)(b) of this rule, the observer shall discard the data for the charge observed, during each set, which contains the greatest cumulative total number of seconds during which emissions are visible. A set shall consist of the total number of consecutive charges read by the observer during any one (1) observation period, but in no event shall a set exceed twenty (20) consecutive charges.

(b) Topside emissions requirements shall be as follows:

(1) To determine compliance with topside emission limitations in section 2(c) and 2(d) of this rule, the observer shall walk the length of the topside of a coke oven battery, on a line down the middle of the battery, or as close to as safety permits, to record the identity of standpipes in a single traverse and charge port lids in a single traverse that have any visible emissions.

The following shall not be counted:

- (A) Visible emissions from burning coal spilled on the top of the oven or oven lids.
  - (B) Visible emissions from charge port lids and standpipe lids, from a maximum of three (3) ovens, that are opened during a decarbonization period or charging period.
  - (C) Visible emissions from the standpipe on an oven being charged.
  - (D) Visible emissions resulting from maintenance work.
  - (E) Visible emissions from steam caused by the vaporization of wet luting material.
  - (F) Visible emissions due to steam from uncombined water.
- (2) Visible emissions from charge port lids shall include all emissions from the charge port casting/lid interface.
- (3) Visible emissions from the offtake piping assembly shall include the following:
- (A) Any leaks from cracks and/or defects in the piping itself.
  - (B) Any leaks coming from the flanged joints of any pipes, including the final joint with the collector main.
  - (C) Any leaks coming from the standpipe base.
  - (D) Leaks coming from the standpipe lid or along its seal with the standpipe.
  - (E) Any leaks from the offtake piping assembly which are not contained in one (1) of the categories in this subdivision.

(c) This subsection applies to oven door emissions. To determine compliance with section 2(f) of this rule, the observer shall record the starting time of the inspection, then shall move steadily along the push-side or coke-side of a coke oven battery stopping only to record the identity of any doors of ovens not temporarily or permanently taken out of service that have visible emissions, but not including visible emissions due to steam from uncombined water. The inspector shall have any of the following options:

- (1) To wait for any doors which are blocked from the inspector's view to become unobstructed.
- (2) To continue the inspection and return when the view of the doors becomes unobstructed.
- (3) To exclude the obstructed doors from the calculation of the total number of doors observed.

The finishing time of that inspection shall be recorded followed by the inspector repeating the same procedure on the opposite side of the same battery. The inspector shall be positioned either outside of the quench car tracks on the coke-side of the battery or outside of the push-side bench. After a brief scan of a coke oven door, the observer shall proceed in the inspection checking each succeeding door in a like manner.

(d) Testing to determine the amount of particulate matter emitted from any facility subject to a grain loading or process weight limitation of this rule shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5\*.

(e) To determine compliance with gas collector main emission limitations in section 2(e) of this rule, the observer shall walk the length of the topside of the gas collector main, to record the number of points in a single traverse from which emissions are visible.

\* Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Government



Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management. (*Air Pollution Control Board; 326 IAC 11-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2550; filed May 12, 1993, 11:30 a.m.: 16 IR 2400; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-3-5 Compliance schedules**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) Sources subject to the requirements of 326 IAC 11-3-2(a), (g), (h), and (i) shall achieve compliance pursuant to the schedule requirements in 326 IAC 6-1.

(b) Sources subject to the requirements of 326 IAC 11-3-2(b), (c), (d), (e), and (f) shall achieve compliance pursuant to the individual schedules of 326 IAC 11-3-2, except that:

(1) where compliance with an emission limitation effective July 1, 1979, is not achieved; and

(2) where a program, approved by the commissioner, has been or will be established to comply with the emissions effective July 1, 1980; and

(3) adherence to the program in subsection (b)(2) of this section shall be considered as compliance with the emission limitation discussed in subsection (b)(2) of this section.

(*Air Pollution Control Board; 326 IAC 11-3-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2551; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-3-6 State implementation plan revisions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 6. Any exemptions given or revisions granted to a source by the commissioner in accordance with 326 IAC 11-3-2(h)(1) shall be submitted to the U.S. EPA as a SIP revision. (*Air Pollution Control Board; 326 IAC 11-3-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2551; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 4. Fiberglass Insulation Manufacturing**

**326 IAC 11-4-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to facilities for producing fiberglass insulation by the superfine (flame blown) process existing on June 19, 1979, located in Shelby County. Facilities shall be exempt from 326 IAC 6-3. (*Air Pollution Control Board; 326 IAC 11-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2551; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2371; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1603*)

**326 IAC 11-4-2 Particulate matter emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. (a) No person shall operate any facility subject to this rule (326 IAC 11-4) so as to discharge or cause to be discharged into the atmosphere any gases unless such gases are limited to:

(1) a particulate matter content of not more than 0.047 milligram/dscm (0.025 grain/dscf) from forming facilities;

(2) a particulate matter content of not more than 0.47 milligram/dscm (0.25 grain/dscf) from furnace operations.

(b) The specific facilities and processes listed in 326 IAC 11-4-4 shall not emit particulate matter in excess of the limitations contained therein. (*Air Pollution Control Board; 326 IAC 11-4-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2552; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-4-3 Testing; compliance schedule**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) Testing to determine the amount of particulate matter emitted from any facility subject to the requirements of this rule (326 IAC 11-4) shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1–5, or other equivalent procedures approved by the commissioner.

(b) Compliance with this rule (326 IAC 11-4) shall be achieved in accordance with the schedule contained in 326 IAC 6-1-4. (*Air Pollution Control Board; 326 IAC 11-4-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2552; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-4-4 Emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-1; IC 13-7-1-1

Sec. 4. (a) Emission limitations established for existing sources set forth in this rule (326 IAC 11-4) shall be identical with corresponding emission limitations set forth in Indiana's state implementation plan (SIP) as submitted to the U.S. EPA for approval. Said emission limitations are set forth in 326 IAC 11-4-5, and are a part hereof; however, as permits are issued by the commissioner pursuant to this rule (326 IAC 11-4), which incorporates the emission limitations set forth in 326 IAC 11-4-5, the emission limitations set forth in the permit shall supersede and replace the corresponding limitations in 326 IAC 11-4-5. However, if the limitations set forth in 326 IAC 11-4-5 are determined to be inappropriate and are revised and submitted to the U.S. EPA as a SIP revision, the permits shall reflect the revised limitations.

(b) Upon issuance, any permits which contain revised emission limitations in accordance with subsection (a) of this section, shall be submitted to the U.S. EPA as a SIP revision. (*Air Pollution Control Board; 326 IAC 11-4-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2552; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-4-5 Shelby County**

Authority: IC 13-1-1-4; IC 13-7-7  
 Affected: IC 13-1-1-1; IC 13-1-1-5

Sec. 5.

Source: Knauf Fiber Glass	Shelby County	Max. Hourly Emission Rate lbs/hour
Facility Description		
203 oven		3.96
204 oven		8.00
304 oven		1.05
601 Forming plus oven		28.28
603 Forming plus oven		16.49
1101 oven		0.16
1102 oven		0.16
1103 oven		0.16
1104 oven		0.16
1110 oven		0.16
1111 oven		0.16
602 Forming plus oven		33.27
	Superfine Processes	
203 furnace		9.47
204 furnace		10.00
203 forming		19.90

204 forming

15.00

*(Air Pollution Control Board; 326 IAC 11-4-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2552; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 5. Fluoride Emission Limitations for Existing Primary Aluminum Plants**

**326 IAC 11-5-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule establishes fluoride emission limitations for primary aluminum plants in operation on or before January 26, 1976. A primary aluminum plant is defined as any facility manufacturing aluminum by electrolytic reduction. All primary aluminum plants for which construction or modification commenced after January 26, 1976, shall comply with the limitations set forth in 326 IAC 12. *(Air Pollution Control Board; 326 IAC 11-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2552; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2371; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1603)*

**326 IAC 11-5-2 Emission limitations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-5

Sec. 2. The emissions of all gaseous fluorides and particulate fluorides from all facilities within an existing primary aluminum plant shall be reduced to the lowest level achievable through the application of the best technological system for continuous emission reduction available to the primary aluminum industry.

(1) Said system shall meet the following requirements:

(A) An existing primary aluminum plant shall achieve at least ninety percent (90%) fluoride emission control efficiency through its primary collection systems. A primary collection system includes, but is not limited to, collection equipment consisting of hoods, ductwork, instrumentation, and exhaust fans required to move the exhaust gas stream from its point of generation.

(B) An existing primary aluminum plant shall achieve at least ninety-five percent (95%) fluoride control efficiency through its primary removal systems. A primary removal system includes, but is not limited to, removal equipment such as cyclones, fluidized bed scrubbers, wet scrubbers, etc., together with the necessary auxiliary pumps, fans, instrumentation, etc., required to operate this unit.

(2) Sources subject to this rule (326 IAC 11-5) shall comply with the following procedures of good operation and maintenance of all fluoride emitting facilities within the plant:

(A) All exhaust hood covers shall be in good repair and properly positioned over the alumina reduction cells. The amount of time hood covers are removed during cell working operations shall be minimized.

(B) Alumina reduction cell working operations and hopper loading facilities shall be conducted so as to minimize particulate emissions from becoming air borne.

(C) All anode butts shall be cleaned of adherent fluoride bearing bath material.

*(Air Pollution Control Board; 326 IAC 11-5-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2553; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-5-3 Test methods to determine compliance**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-5

Sec. 3. Test methods to determine compliance with the fluoride limitations contained in this rule (326 IAC 11-5) shall be determined as as *[sic.]* referenced in 40 CFR 60, Appendix A, Revised Reference Methods 13 A or 13 B, or other equivalent procedures approved by the commissioner. *(Air Pollution Control Board; 326 IAC 11-5-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2553; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-5-4 Compliance schedule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-5

Sec. 4. All sources subject to this rule (326 IAC 11-5) shall achieve compliance in accordance with the following:

(1) The owner or operator of an existing primary aluminum plant who can comply with this rule (326 IAC 11-5) without installing new or additional equipment or facilities or modifying existing equipment or facilities shall comply immediately.

(2) Where new, additional or modified equipment or facilities must be installed before the owner or operator of an existing primary aluminum plant can comply with this rule (326 IAC 11-5), compliance shall be achieved no later than February 6, 1984.

(3) Each source which will comply with this rule (326 IAC 11-5) pursuant to subdivision (2) of this subsection shall submit a timetable to the commissioner which shall include the following:

(A) Submittal of plans and specifications by June 30, 1981.

(B) Initiation of on-site construction or installation by June 30, 1982.

(C) Completion of on-site construction or installation by June 30, 1983.

(D) Achieve compliance by December 31, 1983.

(E) Submit performance test results by June 30, 1984.

*(Air Pollution Control Board; 326 IAC 11-5-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2553; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-5-5 Monitoring**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7

Sec. 5. (a) Each primary aluminum plant shall submit, by April 7, 1981, a proposed detailed monitoring program to insure compliance with 326 IAC 11-5-2(a)(1) and (2). The proposed program shall be subject to revision and approval by the commissioner. The program shall include regularly scheduled monitoring by the source of emissions of gaseous and particulate fluorides and total particulates.

(b) The necessary sampling and analysis equipment shall be in effective operation in accordance with the approved program within ninety (90) days after written notice to the source by the commissioner of said approved program. *(Air Pollution Control Board; 326 IAC 11-5-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2553; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-5-6 Reporting**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-5

Sec. 6. (a) Each existing primary aluminum plant shall report malfunctions of the primary collection systems and the primary removal systems which result in a violation of this rule (326 IAC 11-5), as specified in 326 IAC 1-6.

(b) Each existing primary aluminum plant shall furnish upon request of the commissioner, such other data as the commissioner may require to evaluate the plant's emission control program. *(Air Pollution Control Board; 326 IAC 11-5-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2554; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-5-7 State Implementation Plan revisions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-7-5

Sec. 7. Any exemptions given or alternate procedures allowed by the commissioner pursuant to 326 IAC 11-5-3 or 326 IAC 11-5-5(a) and (b) or 326 IAC 11-5-6(b), shall be submitted to the U.S. EPA as a SIP revision, of which this rule (326 IAC 11-5) is a part. *(Air Pollution Control Board; 326 IAC 11-5-7; filed Mar 10, 1988, 1:20 pm: 11 IR 2554; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 6. Hospital/Medical/Infectious Waste Incinerators**

**326 IAC 11-6-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsections (b) and (c), this rule applies to each hospital/medical/infectious waste incinerator for which construction was commenced on or before June 20, 1996, hereafter referred to as "designated facility".

(b) The following are exempt from this rule:

(1) Any combustor during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned, regardless of whether the waste meets the definition of hospital waste or medical/infectious waste, provided the owner or operator of the combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Maintains records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned.

(2) Any cofired combustor if the owner or operator of the cofired combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Provides the department and U.S. EPA with an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be combusted.

(C) Maintains records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the cofired combustor.

(3) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.

(4) Any combustor that meets the applicability requirements under 40 CFR 60, Subpart Cb\*, Ea\*, or Eb\* (standards or guidelines for certain municipal waste combustors).

(5) Any pyrolysis unit.

(6) Cement kilns firing hospital waste or medical/infectious waste, or any combination of these wastes.

(c) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission limits under this rule are not considered modifications and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to 40 CFR 60, Subpart Ec\*.

(d) The provisions in 40 CFR Part 60.24(f)\* shall not apply to designated facilities.

\*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 11-6-1; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078*)

**326 IAC 11-6-2 Definitions**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Terms used in this rule have the meaning given in the following definition sections:

(1) 40 CFR 60, Subpart Ce, Section 60.31e\*.

(2) Subpart Ec, Section 60.51c\*.

(b) If a term is not defined in subdivision (1) or subdivision (2), then the term has the meaning defined in the CAA and 40 CFR 60, Subpart A\* and 40 CFR 60, Subpart B\*.

\*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 11-6-2; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078*)

**326 IAC 11-6-3 Permits**

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

Sec. 3. Designated facilities shall submit an application for a Part 70 permit, in accordance with 326 IAC 2-7-4, to the department no later than the earlier of the following:

- (1) One (1) year from the effective date of this rule; or
- (2) September 15, 2000.

*(Air Pollution Control Board; 326 IAC 11-6-3; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-6-4 Emission limits**

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

Sec. 4. (a) The designated facility shall not exceed the emission limits specified in the following:

- (1) 40 CFR 60, Subpart Ce, Section 60.33e(a)\*.
- (2) 40 CFR 60, Subpart Ec, Section 60.52c(b)\*.

(b) The emission limit for cadmium for large sources is sixteen-hundredths [*sic., hundredths*] (0.16) milligram per dry standard cubic meter (seven-hundredths (0.07) grain per thousand (1,000) dry standard cubic feet) or sixty-five percent (65%) reduction.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20401 and 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 11-6-4; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)*

**326 IAC 11-6-5 Operator training and qualification requirements**

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

Sec. 5. (a) The owner or operator of a designated facility shall comply with the operator training requirements specified in 40 CFR 60, Subpart Ec, Section 60.53c\*.

(b) Compliance with operator training and qualification requirements shall be achieved within one (1) year after the effective date 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 11-6-5; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)*

**326 IAC 11-6-6 Waste management plans**

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) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c\*.

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)\*.

\*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 11-6-6; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079*)

**326 IAC 11-6-7 Compliance, performance testing, and monitoring**

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c\*, excluding the fugitive emissions testing requirements under Section 60.56c(b)(12)\* and 60.56c(c)(3)\*.

(b) The performance testing shall also meet the requirements of 326 IAC 3-6, source sampling procedures, including the submittal of a test protocol no later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c\*, shall not be modified unless approved by the EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c\*.

\*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 11-6-7; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080*)

**326 IAC 11-6-8 Reporting and record keeping requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The owner or operator of a designated facility shall comply with the following reporting and record keeping requirements:

(1) 40 CFR 60, Subpart Ec, Section 60.58c(b)\*, excluding 40 CFR 60, Subpart Ec, 60.58c(b)(2)(ii) (fugitive emissions)\*, and

40 CFR 60, Subpart Ec, 60.58c(b)(7) (siting)\*.

(2) 40 CFR 60, Subpart Ec, Section 60.58c(c)\*.

(3) 40 CFR 60, Subpart Ec, Section 60.58c(d)\*.

(4) 40 CFR 60, Subpart Ec, Section 60.58c(e)\*.

(5) 40 CFR 60, Subpart Ec, Section 60.58c(f)\*.

(b) The owner or operator of a designated facility shall comply with information requests made by the department in order to develop the emissions inventory to be included in the state plan required by 40 CFR 60, Subpart B, Section 60.25(a)\*. The owner or operator shall submit the information to the department within sixty (60) days of receipt of 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 11-6-8; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080*)

**326 IAC 11-6-9 Compliance schedule**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Except as provided in subsections (b) and (d), each designated facility shall be in compliance with all provisions of this rule no later than the earlier of the following:

(1) one (1) year from the effective date of this rule; or

(2) September 15, 2000;

regardless of whether the designated facility is identified in the state plan inventory required by 40 CFR 60, Subpart B, Section

60.25(a)\*.

(b) The owner or operator of a designated facility planning to install the necessary air pollution control equipment shall be in compliance with all provisions of this rule no later than March 31, 2002, provided that the designated facility complies with the measurable and enforceable incremental steps of progress in this subsection. The owner or operator of the designated facility shall do the following:

(1) Submit a final control plan to the department no later than June 30, 1999.

(2) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications no later than March 31, 2000.

(3) Initiate on-site construction or installation of emission control equipment or process change no later than March 31, 2001.

(4) Complete on-site construction or installation of emission control equipment or process change no later than September 30, 2001.

(5) Be in final compliance no later than March 31, 2002.

(c) The owner or operator shall notify the department within thirty (30) days of the applicable date in subsection (b) if an incremental step of progress is not completed by that date. Notifying the department under this subsection does not preclude an enforcement action for failure to meet the compliance dates in subsection (b).

(d) The owner or operator of a designated facility may petition the department to establish an alternative compliance schedule for closure of the incinerator for installation of an on-site alternative waste treatment technology. The compliance schedule shall allow final compliance no later than March 31, 2002. The designated facility requesting an extension shall submit the following information to the department within eight (8) months from the effective date of this rule:

(1) Documentation of the analyses undertaken to support the need for an extension, including an explanation of why additional time is necessary. The documentation shall include an evaluation of the option to transport the waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.

(2) A detailed compliance plan including documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with this rule.

(e) The department shall grant or deny the petition for extension stating reasons for granting or denying in a written response to the facility within one hundred twenty (120) days of receipt of a complete petition containing the information required in subsection (d).

(f) An owner or operator of a designated facility that follows the compliance schedule under subsection (b) or receives an extension under subsection (d) shall be in compliance with the operator training and qualification requirements of section 5(a) of this rule within one (1) year after the effective date of this rule.

\*Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-9; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **Rule 7. Municipal Waste Combustors**

### **326 IAC 11-7-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), this rule applies to each municipal waste combustor unit with a combustion capacity greater than two hundred fifty (250) tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, hereafter referred to as "designated facility".

(b) The following are exempt from this rule:

(1) Any municipal waste combustor unit that is capable of combusting more than two hundred fifty (250) tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted to less than or equal to eleven (11) tons per day, provided the owner or operator does the following:

(A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.



- (B) Maintains daily records of the amount of municipal solid waste combusted.
- (2) The following facilities, provided the owner or operator of the facility notifies the department and U.S. EPA of an exemption claim and provides data documenting that the facility qualifies for an exemption:
  - (A) A qualifying small power production facility as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))\* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy.
  - (B) A qualifying cogeneration facility, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))\* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy and steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.
  - (C) Any unit combusting a single-item waste stream of tires.
- (3) Any unit required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.
- (4) Any material recovery facility, including a primary or secondary smelter, that combusts waste for the primary purpose of recovering metals.
- (5) Any cofired combustor with a plant capacity greater than two hundred fifty (250) tons per day of municipal solid waste, provided the owner or operator of the facility does the following:
  - (A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.
  - (B) Keeps records on a calendar quarter basis of the weight of the following:
    - (i) Municipal solid waste combusted at the cofired combustor.
    - (ii) All other fuels combusted at the cofired combustor.
- (6) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit, provided the owner or operator of the plastics/rubber recycling unit keeps the following records:
  - (A) The weight of plastics/rubber or rubber tires processed on a calendar quarter basis.
  - (B) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis.
  - (C) The name and address of the purchaser of the feedstocks.
- (7) Cement kilns firing municipal solid waste.
- (8) The combustion of gasoline, diesel fuel, fuel oil, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units.
- (c) Physical or operational changes made to an existing municipal waste unit primarily for the purpose of complying with emission limits under this rule are not considered in determining whether the unit is a modified or reconstructed facility under 40 CFR 60, Subpart Ea, or 40 CFR 60 Eb\* , as amended by 60 FR 45116 and 60 FR 45124 (August 25, 1997)\*.

\*Copies of the Federal Power Act, the Solid Waste Disposal Act, the Code of Federal Regulations (CFR), and the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-1; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1967; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 11-7-2 Definitions**

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

Sec. 2. Terms used in this rule have the meaning that is given in the definition section of 40 CFR 60, Subpart Cb, Section 60.31b\*.

\*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 11-7-2; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080*)

**326 IAC 11-7-3 Emission limits**

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

Sec. 3. The concentration of pollutants contained in the gases discharged to the atmosphere from a designated facility shall not exceed the following limits:

<u>Pollutant</u>	<u>Emission Limits</u>
Particulate matter	23 milligrams per dry standard cubic meter (mg/dscm) <sup>4</sup>
Opacity	10% based on a 6-minute average
Cadmium	0.040 mg/dscm <sup>1</sup>
Lead	0.44 mg/dscm <sup>1</sup>
Mercury	0.080 mg/dscm; or 15% of the potential mercury emissions concentration <sup>1,3</sup>
Sulfur dioxide	29 parts per million by volume (ppmv); or 20% of the potential sulfur dioxide emission concentration <sup>3,5</sup>
Hydrogen chloride	29 ppmv; or 5% of the potential hydrogen chloride emissions concentration <sup>2,3</sup>
Organic emission (expressed as total mass dioxins/furans)	30 nanograms per dry standard cubic meter (ng/dscm) total mass <sup>1</sup>
Nitrogen oxides	205 ppmv <sup>2</sup>
Carbon monoxide <sup>5</sup>	100 ppmv <sup>6</sup> (based on a 4-hour block averaging time)

<sup>1</sup>Corrected to seven percent (7%) oxygen.

<sup>2</sup>Corrected to seven percent (7%) oxygen, dry basis.

<sup>3</sup>Whichever concentration is less stringent.

<sup>4</sup>Corrected to twelve percent (12%) carbon dioxide.

<sup>5</sup>Corrected to seven percent (7%) oxygen, dry basis, calculated as a 24-hour daily geometric mean.

<sup>6</sup>Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to seven percent (7%) oxygen, dry basis, calculated as an arithmetic mean.

*(Air Pollution Control Board; 326 IAC 11-7-3; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 11-7-4 Operating practices**

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

Sec. 4. The owner or operator of a designated facility shall comply with the following operating practices:

(1) 40 CFR 60, Subpart Eb, Section 60.53b(b).

(2) 40 CFR 60, Subpart Eb, Section 60.53b(c)\*.

\*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 11-7-4; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3081)*

**326 IAC 11-7-5 Municipal waste combustor operator training and certification requirements**

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

Sec. 5. The owner or operator of a designated facility shall comply with the municipal waste combustor operator training and certification requirements specified in 40 CFR 60, Subpart Eb, Section 60.54b\*.

\*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 11-7-5; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3081*)

**326 IAC 11-7-6 Standards for municipal waste combustor fugitive ash emissions**

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

Sec. 6. The owner or operator of a designated facility shall meet the fugitive ash emission standards specified in 40 CFR 60, Subpart Eb, Section 60.55b\*.

\*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 11-7-6; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3081*)

**326 IAC 11-7-7 Compliance and performance testing**

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

Sec. 7. (a) The owner or operator of a designated facility shall comply with the compliance and performance testing methods and procedures specified in 40 CFR 60, Subpart Eb, Section 60.58b\*, except as provided in subsections (b) through (c). All tests shall meet the requirements of 326 IAC 3-6.

(b) If all of the dioxin/furan compliance tests for all designated facilities over a two (2) year period indicate that the dioxin/furan emissions are less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, the owner or operator of the plant may elect to conduct an annual dioxin/furan performance test for one (1) designated facility (unit) per year at the plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted annually (no more than twelve (12) months following the previous performance test) for one (1) designated facility at the plant. Each year a different designated facility shall be tested. The designated facilities at the plant shall be tested in sequence, such as Unit 1 the first year, followed by Unit 2 the next year.

(c) If an annual performance test indicates an emission level for dioxin/furan greater than fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, then performance tests shall be conducted annually on all designated facilities at the plant until all annual performance tests for all designated facilities at the plant over a two (2) year period indicate a dioxin and furan emission level less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen.

(d) The owner or operator of a designated facility who elects to follow the performance testing schedule specified in subsection (b) shall follow the procedures specified in 40 CFR 60, Subpart Eb, Section 60.59b(g)(4)\*, for reporting the election of this schedule to the department.

\*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 11-7-7; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3081*)

**326 IAC 11-7-8 Reporting and record keeping requirements**

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

Sec. 8. (a) The owner or operator of a designated facility shall comply with the reporting and record keeping provisions of 40 CFR 60, Subpart Eb, Section 60.59b\*.

(b) The following sitting requirements are not required under subsection (a):

(1) 40 CFR 60, Subpart Eb, Section 60.59b(a)\*.

(2) 40 CFR 60, Subpart Eb, Section 60.59b(b)(5)\*.

(3) 40 CFR 60, Subpart Eb, Section 60.59b(d)(11)\*.

(c) All report and record keeping shall meet the requirements of 326 IAC 3 when applicable.

\*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 11-7-8; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3082*)

### **326 IAC 11-7-9 Compliance schedule**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Designated facilities shall be in compliance with this rule, except section 5 of this rule, according to one (1) of the following compliance schedules:

(1) Within one (1) year from the effective date of this rule, but not later than December 19, 2000.

(2) By December 19, 2000, provided the following:

(A) Installation of air pollution control equipment is necessary to achieve compliance.

(B) The designated facility complies with the measurable and enforceable incremental steps of progress listed as follows:

(i) Submit a final control plan to the department no later than thirty (30) days after the effective date of this rule. This date does not affect the date that a final control plan is required to be submitted to the U.S. EPA.

(ii) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications by May 18, 1999.

(iii) Initiate on-site construction or installation of emission control equipment or process change by November 16, 1999.

(iv) Complete on-site construction or installation of emission control equipment or process change by November 19, 2000.

(C) Designated facilities that are not in compliance within one (1) year from the effective date of this rule must submit performance test results for dioxin/furan emissions that have been conducted during or after 1990.

(D) The performance test shall be conducted according to the procedures in 40 CFR 60, Subpart Cb, Section 60.38b\*.

(b) All designated facilities shall be in compliance with the training and certification requirements of section 5 of this rule by September 1, 1999. The initial training requirements specified in 40 CFR 60, Subpart Eb, Section 60.54b(f)(1)\* shall be completed by whichever date comes later:

(1) September 1, 1999; or

(2) the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(c) Designated facilities not in compliance by December 19, 2000, shall cease operation.

(d) Notwithstanding the requirements of this section, the designated facility shall comply with the compliance schedule in the federal plan until the state plan is approved by the U.S. EPA.

\*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 11-7-9; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1970; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3082*)

## **Rule 8. Commercial and Industrial Solid Waste Incineration Units**

### **326 IAC 11-8-1 Applicability**

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

Affected: IC 13-15; IC 13-17

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AIR POLLUTION CONTROL BOARD

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Sec. 1. (a) Except as provided in subsections (b), (e), (f), and (g), this rule applies to each commercial and industrial solid waste incineration (CISWI) unit as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, for which construction was commenced on or before November 30, 1999.

(b) The following are exempt from this rule:

(1) Incineration units burning ninety percent (90%) or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes burned, and the weight of all other fuels and wastes burned in the unit.

(2) Incineration units burning ninety percent (90%) or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(3) Incineration units that meet either of the following criteria:

(A) Qualify as a municipal waste combustor regulated under 40 CFR 60, Subpart Cb\*, Ea\*, Eb\*, AAAA (65 FR 76350 (December 6, 2000))\* or BBBB (65 FR 76378 (December 6, 2000))\*.

(B) Burn greater than thirty percent (30%) municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60, Subpart Ea\*, Eb\*, AAAA (65 FR 76350 (December 6, 2000))\* and BBBB (65 FR 76378 (December 6, 2000))\* and that have the capacity to burn less than thirty-five (35) tons per day of municipal solid waste or refuse-derived fuel, provided the owner or operator of the incinerator does all of the following:

(i) Notifies the department and U.S. EPA that the unit meets the criteria in clause (A) or (B).

(ii) Keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(4) Medical waste incineration units regulated under 40 CFR 60, Subpart Ca\* or Ec\*.

(5) Small power production units that meet all of the following requirements:

(A) The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))\*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of the requirements in clauses (A) and (B).

(6) Cogeneration units that meet all of the following requirements:

(A) The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))\*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of the requirements in clauses (A) and (B).

(7) Hazardous waste combustion units that meet either of the following criteria:

(A) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act\*.

(B) Units regulated under 40 CFR 63, Subpart EEE\*.

(8) Materials recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(9) Cyclonic barrel burners as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*.

(10) Rack, part, and drum reclamation units as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*.

(11) Cement kilns regulated under 40 CFR 63, Subpart LLL\*.

(12) Sewage sludge incinerators regulated under 40 CFR 60, Subpart O\*.

(13) Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following types of units are considered chemical recovery units:

- (A) Units burning only pulping liquors that are reclaimed in a pulping liquor recovery process and reused in the pulping process.
- (B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.
- (C) Units burning only wood or coal feedstock for the production of charcoal.
- (D) Units burning only manufacturing byproduct streams or residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.
- (E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.
- (F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for the use in other manufacturing processes.
- (G) Units burning only photographic film to recover silver.

(14) Laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis.

(c) The owner or operator of a unit listed in subsection (b) must submit an exemption notification no later than one (1) year from the effective date of this rule.

(d) Pathological waste exemptions submitted under 326 IAC 11-6 satisfy the conditions of subsection (b)(1).

(e) Air curtain incinerators or destructors that only burn one (1) of the following fuels are required to comply with only 40 CFR 60.2810 through 40 CFR 60.2870, 65 FR 75338 (December 1, 2000)\* and obtain approval under 326 IAC 4-1-6:

- (1) One hundred percent (100%) wood waste.
- (2) One hundred percent (100%) clean lumber.
- (3) One hundred percent (100%) mixture of only wood waste, clean lumber, yard waste, or any combination of these wastes.

(f) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction, as defined in 40 CFR 60.2875\*, on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)\* and 326 IAC 12, and this rule no longer applies to that CISWI unit.

(g) Physical or operational changes made to an existing CISWI unit primarily to comply with emission limits under this rule are not considered modifications or reconstructions and do not result in an existing CISWI unit becoming subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)\*.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, 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, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-1; filed Aug 7, 2002, 9:47 a.m.: 25 IR 4100*)

**326 IAC 11-8-2 Requirements; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The air pollution control board incorporates by reference the following sections of 40 CFR 60, Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999, 65 FR 75338 (December 1, 2000):

- (1) 40 CFR 60.2575 through 40 CFR 60.2615 Increments of Progress\*.
- (2) 40 CFR 60.2620 through 40 CFR 60.2630 Waste Management Plan\*.
- (3) 40 CFR 60.2635 through 40 CFR 60.2665 Operator Training and Qualification\*.
- (4) 40 CFR 60.2670 through 40 CFR 60.2685 Emission Limitations and Operating Limits\*.
- (5) 40 CFR 60.2690 through 40 CFR 60.2695 Performance Testing\*.
- (6) 40 CFR 60.2700 through 40 CFR 60.2705 Initial Compliance Requirements\*.
- (7) 40 CFR 60.2710 through 40 CFR 60.2725 Continuous Compliance Requirements\*.
- (8) 40 CFR 60.2730 through 40 CFR 60.2735 Monitoring\*.
- (9) 40 CFR 60.2740 through 40 CFR 60.2800 Record Keeping and Reporting\*.
- (10) 40 CFR 60.2805 Title V Operating Permits\*.

(11) 40 CFR 60.2810 through 40 CFR 60.2870 Air Curtain Incinerators\*.

(12) 40 CFR 60.2875 Definitions\*.

(13) 40 CFR 60, Subpart DDDD, Table 1 through 5\*.

(b) For the purposes of this rule, these terms used in 40 CFR 60.2575 through 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\* are defined as follows:

(1) "Administrator" means the commissioner of the department of environmental management.

(2) "You" means the owner or operator of a CISWI unit.

(c) An owner or operator subject to section 1(a) [of this rule] must comply with this rule no later than one (1) year from the effective date of this rule unless the owner or operator:

(1) submits a final control plan no later than one (1) year from the effective date of this rule; or

(2) requests and is granted an extension of the closure date pursuant to subsection (e).

(d) If the owner or operator submits a final control plan, the compliance dates for the increments of progress in 40 CFR 60, Subpart DDDD, Table 1, 65 FR 75338 (December 1, 2000)\* are as follows:

(1) The compliance date for Increment 1–Submit Final Control Plan shall be one (1) year from the effective date of this rule.

(2) The compliance date for Increment 2– Final Compliance shall be September 1, 2005.

(e) An owner or operator may request an extension of the closure date to achieve compliance as expeditiously as possible, but no later than September 1, 2005, by submitting a closure notification pursuant to 40 CFR 60.2615\* and 40 CFR 60.2855\*, 65 FR 75338 (December 1, 2000)\*, as follows:

(1) The request for extension shall include all of the following supporting documentation:

(A) Analysis that supports the need for the requested extension.

(B) Explanation of why a closure date of one (1) year after the effective date does not provide sufficient time to shut down.

(C) Explanation of why the requested closure date provides sufficient time to shut down.

(2) The request for extension shall be submitted to the department within eight (8) months from the effective date of this rule, and the department shall grant or deny the extension in a written response to the owner or operator within three (3) months of receipt of a closure notification that contains all required information.

(3) An owner or operator shutting down the incinerator shall submit a waste management plan, as defined in 40 CFR 60.2620 through 40 CFR 60.2630, no later than one (1) year after the effective date of this rule.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, 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, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-2; filed Aug 7, 2002, 9:47 a.m.: 25 IR 4101*)

## ARTICLE 12. NEW SOURCE PERFORMANCE STANDARDS

### Rule 1. General Provisions

#### 326 IAC 12-1-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This article applies to the owner or operator of any stationary source for which a standard is prescribed under this article.

(b) The air pollution control board incorporates by reference the following:

(1) 40 CFR 60\*.

(2) 54 FR 34008\*.

(3) 54 FR 37534\*.

(4) 55 FR 5211\*.

(5) 55 FR 26912\*.

(6) 55 FR 26931\*.

(7) 55 FR 36932\*.

(8) 55 FR 37674\*.

(9) 55 FR 40171\*.

(c) If the emission limitations contained in this article conflict with or are inconsistent with any other emission limitations established by this title, then the more stringent limitation shall apply.

\*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 12-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2554; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2372; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1603*)

### **326 IAC 12-1-2 Definitions**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Except as provided in subsection (b), the definitions, abbreviations, and units in the following shall apply for purposes of this article:

(1) 40 CFR 60, Subpart A, Section 60.2\*.

(2) 40 CFR 60, Subpart A, Section 60.3\*.

(b) For the purposes of this article, the following substitutions shall be made for terms used in the portions of 40 CFR 60\* adopted by reference:

(1) "Administrator" means the commissioner of the department of environmental management.

(2) "U.S. Environmental Protection Agency" or "U.S. EPA" shall mean the department of environmental management.

\*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 12-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2554; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 21, 2002, 10:20 a.m.: 25 IR 3083*)

### **326 IAC 12-1-3 Availability of regulations**

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

Affected: IC 13-15; IC 13-17

Sec. 3. The federal regulations incorporated by reference appear in 40 CFR 60\*.

\*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 Department of Environmental Management, Office of Air Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 12-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2554; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2219; filed May 21, 2002, 10:20 a.m.: 25 IR 3083*)

## **ARTICLE 13. MOTOR VEHICLE EMISSION AND FUEL STANDARDS**

### **Rule 1. Motor Vehicle Inspection and Maintenance Requirements**

#### **326 IAC 13-1-1 Applicability and general requirements (Repealed)**

Sec. 1. (*Repealed by Air Pollution Control Board; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507*)

#### **326 IAC 13-1-1.1 Applicability and general requirements (Repealed)**



Sec. 1.1. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-2 Definitions (Repealed)**

Sec. 2. *(Repealed by Air Pollution Control Board; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507)*

**326 IAC 13-1-2.1 Definitions (Repealed)**

Sec. 2.1. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-3 Issuance and display of stickers; testing schedule (Repealed)**

Sec. 3. *(Repealed by Air Pollution Control Board; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507)*

**326 IAC 13-1-3.1 Issuance of certificates of compliance; testing and inspection schedule (Repealed)**

Sec. 3.1. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-4 Testing and inspection procedures (Repealed)**

Sec. 4. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-5 Pass-fail limits for emissions testing (Repealed)**

Sec. 5. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-6 Test reports; repair forms (Repealed)**

Sec. 6. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-7 Emissions test and tampering inspection failures and waivers (Repealed)**

Sec. 7. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-8 Facility and testing requirements (Repealed)**

Sec. 8. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-9 Motor vehicle emission inspectors; certification (Repealed)**

Sec. 9. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-10 Facility quality assurance program (Repealed)**

Sec. 10. *(Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

**326 IAC 13-1-11 Fleet inspection procedures (Repealed)**

Sec. 11. (Repealed by Air Pollution Control Board; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)

**Rule 1.1. Motor Vehicle Inspection and Maintenance Requirements**

**326 IAC 13-1.1-1 Definitions**

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 definitions apply throughout this rule:

- (1) "2500/idle" means a two (2) speed idle test as described in 40 CFR 51, Appendix B\*.
- (2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51\*.
- (3) "Bureau" means the bureau of motor vehicles.
- (4) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators passing the emissions test and tampering inspection or receiving a waiver pursuant to this rule which must be presented to the bureau in order to receive a certificate of registration.
- (5) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA under 40 CFR 86\*, prior to the production of vehicles with that design.
- (6) "Certified inspection and maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.
- (7) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.
- (8) "Contractor" means any offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program and any employees of that contractor.
- (9) "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.
- (10) "Department" means the department of environmental management or its contractor.
- (11) "Dual fuel vehicle" means a vehicle capable of operating on either gasoline or one (1) of the fuels stated in section 4(b) of this rule.
- (12) "Enhanced I/M" means an I/M program that meets the requirements for an enhanced I/M program as defined in 40 CFR 51\*.
- (13) "Facility" means a motor vehicle testing location, either mobile or stationary, operated by the contractor and established in accordance with this rule.
- (14) "Fleet" means a group of light duty motor vehicles, medium duty motor vehicles, or a combination thereof owned or operated by an individual, a company, a corporation, or a federal, state, or local government unit.
- (15) "Heavy duty motor vehicle" means a motor vehicle with a gross vehicle weight rating (GVWR) greater than nine thousand (9,000) pounds.
- (16) "Idle test" means a single speed idle test as described in 40 CFR 51, Appendix B\*.
- (17) "I/M" means inspection/maintenance.
- (18) "I/M 240" means a transient emission test as described in 40 CFR 51, Appendix B\*.
- (19) "I/M 93" means a version of I/M 240 that:
  - (A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle;
  - (B) allows a second attempt to pass; and
  - (C) eliminates both the purge and pressure tests.
- (20) "Light duty motor vehicle" means a motor vehicle with a GVWR less than or equal to six thousand (6,000) pounds.
- (21) "Medium duty motor vehicle" means a motor vehicle with a GVWR of six thousand one (6,001) pounds or greater and less than or equal to nine thousand (9,000) pounds.
- (22) "Motor vehicle" means a self-propelled vehicle used on the public roads.
- (23) "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.
- (24) "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of such motor vehicle as designated by the manufacturer.
- (25) "Motorcycle" means a motor vehicle having a seat or saddle for the rider and designed to travel on not more than three

- (3) wheels in contact with the ground.
- (26) "OBDII" means second generation on-board diagnostics systems.
- (27) "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994) and 40 CFR 51\*.
- (28) "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994) and 40 CFR 51\*.
- (29) "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)\*.
- (30) "Tampering check" means a visual inspection of catalytic converters, fuel filler caps, positive crankcase ventilation (PCV) systems, and evaporative systems.
- (31) "VIN" means vehicle identification number.

\*Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-2      Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The following motor vehicles in Clark, Floyd, Lake, and Porter Counties are subject to the requirements of this rule unless such vehicles are exempt or have received a waiver from the requirements as specified in section 10 of this rule:

- (1) Vehicle model years 1976 and newer.
- (2) Light and medium duty motor vehicles.
- (3) Vehicles registered or reregistered for highway use.
- (4) Fleets primarily operated within Clark, Floyd, Lake, or Porter County.
- (5) Leased vehicles that have the registration or titling in the name of the equity owner other than the lessee or user.
- (6) Vehicles that are operated on federal installations located within Clark, Floyd, Lake, or Porter County, regardless of whether the vehicles are registered with the federal installation or in Clark, Floyd, Lake, or Porter County. This requirement applies to all employee-owned or leased vehicles (including vehicles owned, leased, or operated by civilian and military personnel on federal installations) as well as agency-owned or operated vehicles, operated on the installation. This requirement shall not apply to visiting agency, employee, or military personnel vehicles as long as such visits do not exceed sixty (60) calendar days per year.

(b) Motor vehicles subject to this rule in Clark, Floyd, Lake, and Porter Counties shall be tested under the parameters specified for I/M 240 or I/M 93 found at section 7 of this rule.

(c) Light and medium duty motor vehicles in Clark, Floyd, Lake, and Porter Counties of model year 1996 or newer are subject to the provisions of the second generation on-board diagnostics systems (OBDII) check found at section 17 of this rule [*Section 17 of this rule was repealed filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471.*] starting January 1, 2001.

(d) The following motor vehicles are exempt from the testing requirements of this rule:

- (1) Heavy duty motor vehicles.
- (2) Motorcycles.
- (3) Motor vehicles with engine displacement less than two hundred (200) cubic centimeters.
- (4) Farm tractors, farm trucks, and farm equipment used in connection with agricultural pursuits usual and normal to the user's primary operation.
- (5) Motor vehicles registered as recreational vehicles (RV).
- (6) Motor vehicles using diesel fuel.
- (7) All motor vehicles with a chassis year and engine year prior to 1976 as identified by the vehicle identification number and engine identification number.
- (8) Electric vehicles or vehicles that have been certified by the department as being electric.

(9) Off highway construction equipment.

(e) Motor vehicles registered in Clark, Floyd, Lake, or Porter County but operated in another I/M area shall be tested either where they are primarily operated or shall be given an extension by the department so that testing can occur when the vehicle is brought into the county of registration. The bureau may accept a certificate of compliance from another U.S. EPA approved I/M program.

(f) Model year vehicles 1996 and newer shall be tested beginning four (4) calendar years after the model year of the vehicle in order to demonstrate initial compliance. After the initial demonstration of compliance, model year vehicles 1996 and newer shall be tested in the calendar year that corresponds to the model year of the vehicle as specified at section 5 of this rule.

(g) Owners or operators who commute to Jefferson County, Kentucky from Indiana and are subject to the Jefferson County I/M regulations may have their vehicles tested in Clark, Floyd, Lake, or Porter County.

(h) Owners or operators of vehicles registered in a state other than Indiana who are subject to their state's I/M regulations may have their vehicles tested in Clark, Floyd, Lake, or Porter County under either of the following conditions:

(1) The owner or operator of the vehicle has resided in Clark, Floyd, Lake, or Porter County for a minimum of three (3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.

(2) The owner or operator of the vehicle has operated the vehicle in Clark, Floyd, Lake, or Porter County for a minimum of three (3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.

*(Air Pollution Control Board; 326 IAC 13-1.1-2; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2731; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1464; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 13-1.1-3 General requirements**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-1-1-11; IC 13-1-1-12; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-2; IC 13-7-7

Sec. 3. (a) All owners and operators of motor vehicles subject to the provisions of this rule shall maintain their motor vehicles and any air pollution control equipment on the motor vehicles in good working order such that they meet the emission standards specified in this rule. Any such motor vehicle that fails to pass the emissions test and tampering inspection required under sections 8 through 9 of this rule or obtain a waiver in accordance with section 10 of this rule in order to obtain a certificate of compliance provided under section 5 of this rule shall not be registered by the commissioner of the bureau.

(b) Vehicles of model year 1981 and newer registered in Lake or Porter County shall be subject to the enhanced I/M test procedures and requirements. Vehicles of model year 1981 and newer registered in Clark or Floyd County shall be subject to the test parameters and the test procedures and standards of the enhanced I/M program, except to the extent specified otherwise in this rule. Unless stated otherwise, the requirements of this rule shall apply to both enhanced I/M and basic I/M. *(Air Pollution Control Board; 326 IAC 13-1.1-3; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2731; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 13-1.1-4 Alternative fuel vehicles**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-1-1-11; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7

Sec. 4. (a) Dual fuel vehicles are subject to the requirements of this rule and shall be tested on gasoline.

(b) Dedicated alternative fuel vehicles which are operated exclusively on the following fuels are not subject to the requirements of this rule:

(1) Compressed natural gas.

(2) Liquefied natural gas.

(3) Propane.

(4) Ethanol.

(5) Hydrogen.

(6) Methanol.

(c) The owner or operator of a vehicle meeting the requirements of subsection (b) must present the vehicle at a facility for inspection and verification of the vehicle's status as a dedicated alternative fuel vehicle. *(Air Pollution Control Board; 326 IAC 13-1.1-4; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 13-1.1-5 Issuance of certificates of compliance; testing and inspection schedule**

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

Sec. 5. (a) Effective January 1, 1990, an owner or operator of a motor vehicle subject to the testing and inspection requirements of this rule shall present such motor vehicle to a facility for an emissions test and tampering inspection during the month and year, or within three (3) months prior to such year, determined as follows:

- (1) The month that corresponds to the registration month for such vehicle as determined by the bureau.
- (2) The model year of the vehicle as follows:
  - (A) If the model year of the vehicle is an even number, such vehicle shall be tested in even-numbered calendar years.
  - (B) If the model year of the vehicle is an odd-numbered year, such vehicle shall be tested in odd-numbered calendar years.

(b) A certificate of compliance shall be issued to owners or operators of motor vehicles that pass the emissions test and tampering inspection and to motor vehicles that are granted a waiver in accordance with this rule. Upon successful completion of an I/M test, a paper based certificate of compliance shall be issued to the owner or operator and shall clearly indicate the certificate is for the purposes of registration. The certificate shall indicate the following:

- (1) Expiration date of the certificate.
- (2) Unambiguous vehicle identification information.
- (3) Whether the vehicle passed or received a waiver.

Except as provided in section 2(f) of this rule, such certificate shall be presented to the bureau in order to obtain registration only during the year that testing is required based on the model year of the vehicle. The certificate of compliance shall be valid through the end of the month and year indicated on the certificate.

(c) The department may notify motorists in advance of the required test; however, each owner or operator of a motor vehicle subject to this rule is responsible for ensuring that the vehicle is tested. (*Air Pollution Control Board; 326 IAC 13-1.1-5; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1465; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-6 Network type**

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

Sec. 6. The basic and enhanced I/M programs shall be conducted at centralized, test-only facilities. Neither the contractor nor any employee of an official I/M test station shall engage either directly or indirectly in motor vehicle repair or service, motor vehicle parts sales, or motor vehicle sales and leasing. (*Air Pollution Control Board; 326 IAC 13-1.1-6; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-7 Test parameters**

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

Sec. 7. (a) The parameters for I/M 240 are as follows:

Test Type

I/M 240	1981 and newer model years
Purge	1981 and newer model years
Pressure	1976 and newer model years
Idle	1976 through 1980 model years
Tampering check	1976 and newer model years
Items	PCV system disablements, catalyst removals, evaporative system disablements, and damaged or missing fuel filler cap
OBDII	1996 and newer model years, starting January 1, 2001

(b) The parameters for basic I/M are as follows:

Test Type	
2500/idle	1981 and newer model years
Idle	1976 through 1980 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	PCV system disablements, catalyst removals, evaporative system disablements, and damaged or missing fuel filler caps

(c) The parameters for I/M 93 are as follows:

Test Type	
I/M 93	1981 and newer model years
Idle	1976 through 1980 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	Catalyst removals and damaged or missing fuel filler caps
OBDII	1996 and newer model years, starting January 1, 2001

*(Air Pollution Control Board; 326 IAC 13-1.1-7; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 13-1.1-8      Testing procedures and standards**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) Each motor vehicle shall be presented for testing and inspection at a facility with its certificate of registration or proof of ownership that identifies the motor vehicle by make, model year, vehicle identification number, and license number.

(b) The contractor shall only test vehicles if all of the following conditions are met:

- (1) The exhaust system is intact and without leaks.
- (2) The vehicle is in safe condition for testing.
- (3) The motorist has exited from the vehicle.

(c) All tests shall be performed by a certified inspector.

(d) Test procedures for I/M emission testing shall comply with High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996\*.

(e) Emission standards shall comply with High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996\*.

(f) Vehicles shall be retested after repair for any portion of the inspection that was failed. To the extent that repairs to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested. Evaporative system repairs shall trigger an exhaust emission retest. Exhaust emission retests shall not be conducted unless the owner or operator of the vehicle demonstrates that the vehicle has had appropriate repairs for the reason of failure. In the case of tampering failures, the owner or operator must demonstrate that the tampered condition or equipment has been repaired or replaced before a retest is performed.

(g) Vehicles that are subject to an emissions recall but have not had recall repairs shall not be tested until such repairs have been made.

(h) If the U.S. EPA has granted a waiver in accordance with Section 182(f) of the Clean Air Act\* for any county or counties subject to this rule, the department may determine that during the period when the NO<sub>x</sub> waiver is in effect, failure of the NO<sub>x</sub> portion of the I/M test is not grounds for denial of a certificate of compliance for vehicles within that county or counties. Upon making such a determination, the department shall notify the contractor in writing indicating the effective dates of the determination.

\*Copies of the High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specification dated June 1996, Clean Air Act and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 13-1.1-8; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR*

1477)

**326 IAC 13-1.1-9 Tampering inspection**

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Each motor vehicle subject to the requirements of this rule shall be subjected to a visual tampering inspection at the facility. The motor vehicle shall be inspected for the presence and good operating condition of emission control devices included in the manufacturer's original design. At a minimum, emission control devices subject to inspection shall include the following:

- (1) For I/M 240 emission testing:
  - (A) Catalytic converters.
  - (B) Fuel filler caps.
  - (C) Positive crankcase ventilation (PCV) systems.
  - (D) Evaporative systems.
- (2) For I/M 93 emission testing:
  - (A) Catalytic converters.
  - (B) Fuel filler caps.
- (3) For basic I/M emissions testing:
  - (A) Catalytic converters.
  - (B) Fuel filler caps.

If any emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any initial testing, retesting, or reinspection as provided in section 8(f) of this rule.

(b) Alteration of a vehicle's chassis configuration from a certified to a noncertified configuration is prohibited. In the inspection process, vehicles that have been altered from their original, certified configuration are to be tested in the same manner as other subject vehicles as follows:

- (1) Vehicles with engines other than the engine originally installed by the manufacturer or an identical replacement of such engine shall be subject to the inspection standards for the chassis type and model year for all parts that are part of the original or now-applicable certified configuration.
- (2) Vehicles in which the engine of one (1) fuel type has been replaced or modified to an engine of a different fuel type that is subject to the I/M program (such as from a diesel engine to a gasoline engine) shall be subject to the test procedures and standards for the current fuel type and to the requirements in subdivision (1).
- (3) Vehicles that are switched to a fuel type for which there is no certified configuration shall be tested according to the most stringent I/M gasoline emission standards established for that vehicle type and model year. Emission control device requirements may be waived if the department determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for the model year without such devices.

(c) Mixing vehicle classes (such as light duty with heavy duty) and certification types (such as California with federal) within a single vehicle configuration shall be considered tampering.

(d) All vehicles must comply with 326 IAC 13-2.1. (*Air Pollution Control Board; 326 IAC 13-1.1-9; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; errata filed Sep 9, 1995, 9:00 a.m.: 19 IR 42; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1467; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-10 Waivers and compliance through diagnostic inspection**

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) A waiver of the requirement that a motor vehicle obtain a certificate of compliance may be issued only under the following conditions:

- (1) A waiver shall be issued only after a vehicle has failed a retest performed after all emission-related repairs as described in subdivisions (3) through (5) have been completed. Vehicles that are subject to an emissions recall but have not had recall repairs shall not be eligible for a waiver until such repairs have been made.
- (2) Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering-related repairs shall not be

applicable to the minimum expenditure in subdivision (5). The department may issue exemptions for tampering-related repairs if the motorist can verify that the part in question or one similar to it is no longer available for sale.

(3) Repairs shall be appropriate to the cause of the test failure, and a visual check shall be made at the time of retest to determine if repairs were actually made. Receipts shall be submitted for review at the test site to further verify that qualifying repairs were performed.

(4) Repairs shall be performed at a certified I/M emission repair facility. A certified I/M emission repair facility shall meet the following criteria:

(A) Employ at least one (1) certified I/M emission repair technician as defined in this rule.

(B) For all I/M emission testing, possess the following:

(i) Reference material.

(ii) Digital multimeter.

(iii) Vacuum and fuel pressure testing equipment.

(iv) Carbon/fuel injection cleaning equipment.

(v) Ignition scope with distributorless ignition (DIS) capability.

(vi) 2, 3, 4, or 5 gas analyzer.

(vii) Scan tool.

(C) For all I/M emission testing beginning January 1, 2000, possess the following:

(i) All equipment listed in clause (B).

(ii) Digital storage oscilloscope (DSO).

(iii) OBDII scan tool.

(D) For I/M 240 emission testing, possess the following:

(i) All equipment listed in clauses (A) and (B).

(ii) Purge-flow tester.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair facility if the facility fails to adhere to program requirements.

(5) In order to qualify for a waiver, repairs shall be performed by a certified I/M emission repair technician who:

(A) is certified and maintains current certification as an Automotive Service Excellence (ASE) A6 (Electrical/Electronic Systems) technician and an A8 (Engine Performance) technician;

(B) on and after January 1, 2000, is certified and maintains current certification as an ASE L1 (Advanced Engine Performance) technician;

(C) has successfully completed the department approved emission and driveability training program;

(D) is professionally engaged in emission/driveability repair; and

(E) is employed at a certified I/M emission repair facility.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair technician if the technician fails to adhere to program requirements.

(6) Repairs appropriate to the reason for the failure may be performed by nontechnicians (such as owners) to apply toward the waiver limit for model year vehicles 1976 through 1980.

(7) In order to qualify for a minimum expenditure waiver, motorists in Lake or Porter County with 1981 model year or newer vehicles shall expend the following:

(A) At least four hundred fifty dollars (\$450) in repairs on or after January 1, 1999.

(B) Motorists in Clark, Floyd, Lake, or Porter County with 1976 through 1980 model year vehicles shall expend at least seventy-five dollars (\$75) in repairs in order to qualify for a minimum expenditure waiver.

(C) Motorists in Clark or Floyd County shall expend a minimum of two hundred dollars (\$200) for 1981 and newer vehicles in order to qualify for a minimum expenditure waiver.

The costs of owner performed repairs shall not include labor costs. Any available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the cost limits. The operator of a vehicle within the statutory age and mileage coverage under Section 207(b) of the Clean Air Act\* shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived for approved tests applicable to the vehicle.

(8) Vehicles subject to an enhanced I/M emission test at the cutpoints established in 40 CFR 51.351\* may be issued a certificate of compliance without meeting the prescribed emission cutpoints, if, after failing a retest, a complete, documented physical and functional diagnosis and inspection performed by the contractor shows no additional emission-related repairs



are needed. Any such exemption policy and procedures shall be subject to EPA approval.

(9) After an initial I/M emission test failure, a vehicle may be retested up to four (4) additional times. A vehicle shall not be retested a fifth time until the type of repairs or modifications necessary has been fully evaluated by department and contractor personnel.

(10) Waivers shall be issued only by the test site manager or other employee specifically designated for this purpose.

(11) A waiver shall be valid for no more than one (1) test cycle.

(b) No vehicle in its lifetime shall receive more than one (1) waiver.

\*Copies of the Code of Federal Regulations (CFR), Clean Air Act, and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-10; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2734; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1468; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-1.1-11 Compliance with manufacturer's emissions recall notices**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-1-1-11; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7-1

Sec. 11. A vehicle that is the subject of a manufacturer's emissions recall notice shall not be inspected unless the owner or operator provides proof that the required repairs have been made. The vehicle inspection or registration record shall be modified (or supplemented with other VIN-linked records) to include the recall campaign numbers and dates repairs were performed. Documentation verifying required repairs shall include the following:

(1) The VIN, make, and model year of the vehicle.

(2) The recall campaign number and the date repairs were completed.

(*Air Pollution Control Board; 326 IAC 13-1.1-11; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-1.1-12 On-road testing**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-1-1-11; IC 13-1-1-12; IC 13-7-7-5

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7

Sec. 12. On-road testing shall be part of the enhanced emissions testing system, but is to be a complement to testing otherwise required as follows:

(1) On-road testing shall measure on-road emissions through the use of remote sensing devices or roadside pullovers, including tailpipe emissions testing. The department may require roadside pullover emissions testing of motor vehicles. Roadside pullover tailpipe emission testing shall consist of either idle or two (2) speed testing.

(2) If a violation is detected through on-road testing, the motorist shall be notified that the vehicle is required to pass an out-of-cycle follow-up inspection at a facility. For remote on-road testing, notification of results may be made to the motorist by mail or immediate notification.

(3) Motorists shall comply with on-road testing and, upon notification that a follow-up inspection is required, shall present the vehicle for inspection within thirty (30) days of the date of the notification. Motorists are required to make the necessary repairs to pass a reinspection. The penalty for noncompliance with this requirement shall be suspension of the motorist's vehicle registration.

(*Air Pollution Control Board; 326 IAC 13-1.1-12; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-1.1-13 Test reports; repair forms**

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

Affected: IC 13-15; IC 13-17

Sec. 13. (a) Each owner of a motor vehicle tested at a facility shall be provided a test report which shall include, but is not limited to, the following information:

- (1) The owner's name.
- (2) The license plate or temporary plate number.
- (3) The type of motor vehicle.
- (4) The motor vehicle identification number (VIN).
- (5) The model year.
- (6) The make of motor vehicle.
- (7) The emission standards applicable to the motor vehicle.
- (8) The emission measurements obtained by the test.
- (9) The final result of the emissions test, evaporative system, and tampering inspection.
- (10) Date and time of inspection.
- (11) The report serial number.
- (12) The facility and lane identification number.
- (13) The odometer reading.
- (14) The identification number of the inspector performing the test.
- (15) The type of tests performed, such as emissions test, visual checks for the presence of emission control components, and evaporative system checks.
- (16) A statement indicating the availability of warranty coverage as required in Section 207 of the Clean Air Act\*.
- (17) The certification that the tests were performed in accordance with the regulations.
- (18) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

(b) Owners or operators of failing vehicles shall be provided with the results of repair effectiveness data for all repair facilities operating in the area. The vehicle owner also shall receive a blank repair form.

(c) A repair form, completed by the vehicle owner or person responsible for repairs prior to retest of the motor vehicle, shall contain the following information:

- (1) The exact repairs or adjustments made to the motor vehicle since the initial test.
- (2) The itemized cost of repairs or adjustments made.
- (3) The name and location of the repair facility where the repairs or adjustments were made.
- (4) The printed name and signature of the person making the repairs or adjustments. If the repairs or adjustments are performed by:
  - (A) a repair shop, the federal tax identification number shall be provided in the repair form; or
  - (B) an Indiana certified emission technician, the certification number shall be provided in the repair form.

\*Copies of the Clean Air Act referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-13; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1469; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-1.1-14 Facility and testing requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) The contractor shall collect data and maintain records of tests and facility operations as required by the department. The contractor shall gather test data to link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, and to determine whether or not the correct testing parameters were observed for the specific vehicle in question. At a minimum, the contractor shall collect the following with respect to each test conducted:

- (1) Test record number.
- (2) Inspection station and inspector numbers.
- (3) Test system number.
- (4) Date of test.
- (5) Emission test start time and time final emission scores are determined.
- (6) Vehicle identification number (VIN).

- (7) License plate number.
- (8) Test certificate number.
- (9) Gross vehicle weight rating (GVWR).
- (10) Vehicle model year, make, and type.
- (11) Number of cylinders or engine displacement.
- (12) Transmission type.
- (13) Odometer reading.
- (14) Category of test performed (such as initial test, first retest, or subsequent retest).
- (15) Fuel type of the vehicle (such as gas, compressed natural gas (CNG), or other fuel).
- (16) Type of vehicle preconditioning performed, if any.
- (17) Emission test sequences used.
- (18) Hydrocarbon emission scores and standards for each applicable test mode.
- (19) Carbon monoxide emission scores and standards for each applicable test mode.
- (20) Carbon dioxide emission scores (CO + CO<sub>2</sub>) and standards for each applicable test mode.
- (21) Nitrogen oxides emission scores and standards for each applicable test mode.
- (22) Results (pass/fail/not applicable) of the applicable visual inspections for the catalytic converter, gas cap, evaporative system, and positive crankcase ventilation system.
- (23) Results of the evaporative system pressure test expressed as a pass or fail (I/M 240 only).
- (24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (I/M 240 only).

(b) At a minimum, the contractor shall gather and report the results of the quality control checks required under 40 CFR 51.359\*, identifying each check by station number, system number, date, and start time. The data report shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks.

\*Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-14; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-15 Motor vehicle emission inspectors; certification**

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

Sec. 15. (a) In order to perform official inspections, all inspectors shall be certified through a program of training and testing approved by the department.

(b) Inspector certificates shall be valid for no more than one (1) year. Refresher training and testing shall be required prior to renewal. Alternative approaches based on more comprehensive skill examination and determination of inspector competency may be used with the approval of the department.

(c) The department may suspend, revoke, or deny renewal of an inspector's certificate if the inspector fails to adhere to program requirements. (*Air Pollution Control Board; 326 IAC 13-1.1-15; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-1.1-16 Facility quality assurance program**

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

Sec. 16. (a) No emission tests shall be conducted with any analyzer that is not operating within all specifications developed or approved by the department. The following practices, in addition to those described in High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996\*, shall be followed:

- (1) Preventive maintenance on all inspection equipment shall be performed to ensure accurate and repeatable operation.
- (2) Computerized analyzers shall automatically record quality control check information, lockouts, and attempted tampering,

which shall be monitored to ensure proper quality control.

(b) The contractor shall maintain the equipment according to demonstrated good engineering practices to assure test accuracy. The calibration and adjustment requirements in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996\* shall apply to all steady state test equipment. Calibration schedules and other quality control frequencies may be adjusted by using statistical process control to monitor equipment performance on an ongoing basis. Additional requirements shall be as follows:

(1) For analyzers that use ambient air as the starting point for emission readings, the air shall be drawn from the air outside the inspection bay or lane in which the analyzer is situated.

(2) The analyzer housing shall be constructed to protect the analyzer bench and electrical components from ambient temperature and humidity fluctuations that exceed the range of the analyzer's design specifications.

(3) Analyzers shall automatically purge the analytical system after each test.

(c) Measures shall be instituted to maintain the security of all documents by which compliance with the inspection requirement is established, including, but not limited to, inspection certificates and waiver certificates. This section shall in no way require the use of paper documents (except for certificates of compliance and waivers) but shall apply if they are used by the program for these purposes.

(d) Compliance documents are to be counterfeit resistant through the use of special fonts, water marks, ultraviolet inks, encoded magnetic strips, unique bar coded identifiers, difficult to acquire materials, or other measures, as approved by the department.

(e) All inspection certificates and waiver certificates shall be printed with a unique serial number and an official program seal.

\*Copies of the High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996, may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-16; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-1.1-17 Fleet inspection procedures (Repealed)**

Sec. 17. (*Repealed by Air Pollution Control Board; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471*)

#### **326 IAC 13-1.1-17.1 On-board diagnostic check**

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

Affected: IC 13-15; IC 13-17

Sec. 17.1. (a) A certified inspector shall check second generation on-board diagnostic (OBDII) systems to determine if the self-diagnostic system is functioning properly and within the parameters specified at 40 CFR 85.2207\*. Beginning January 1, 2001, failure of the OBDII test shall be a basis for failure of the I/M emission test. For vehicles that are 1996 model year or newer, reasons for failure of the OBDII test include any of the following conditions:

(1) The vehicle's OBDII connector is missing, has been tampered with, or is otherwise inoperable.

(2) The malfunction indicator light (MIL) does not illuminate upon vehicle startup.

(3) The MIL is commanded to be illuminated and it is not illuminated based on visual inspection.

(4) The MIL is commanded to be illuminated by any of the OBDII codes specified at 40 CFR 85.2207(c)\*.

(b) The test sequence for the inspection of OBDII systems shall consist of the steps described at 40 CFR 85.2222\*.

(c) Motorists whose vehicles fail the OBDII test described in subsection (b) shall be provided with the OBDII test result as specified at 40 CFR 85.2223\*, including the following information:

(1) The various OBDII codes retrieved.

(2) The status of the MIL illumination command.

(3) The customer alert statement.

Any retrieved codes listed at 40 CFR 85.2223(b)\* shall be listed on the test report as specified in that paragraph.

(d) The air pollution control board incorporates by reference the following:

(1) 40 CFR 51, Subpart S, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans"\*.

(2) 40 CFR 85, Subpart W, "Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines"\*.

\*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 Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-17.1; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3083*)

**Rule 2. Motor Vehicle Tampering and Fuel Switching (Repealed)**

(*Repealed by Air Pollution Control Board; filed May 24, 1990, 10:00 a.m.: 13 IR 1853*)

**Rule 2.1. Motor Vehicle Tampering, Engine Switching, and Fuel Switching**

**326 IAC 13-2.1-1 Applicability**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-2; IC 13-7-7-5

Sec. 1. This rule shall apply to the following:

(1) All persons as defined in section 2 of this rule.

(2) All service stations.

(3) All gasoline dispensing facilities.

(4) All gasoline powered motor vehicles with a model year of 1975 and later, including but not limited to passenger cars, trucks, and vans subject to registration by the bureau of motor vehicles.

(5) All gasoline powered motor vehicles with a model year of 1975 and later, owned or operated by governmental agencies.

(*Air Pollution Control Board; 326 IAC 13-2.1-1; filed May 24, 1990, 10:00 a.m.: 13 IR 1850; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-2.1-2 Definitions**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. The following definitions apply throughout this rule:

(1) "Accepted aftermarket catalytic converter" means a catalytic converter which meets the performance criteria for certification specified in 40 C.F.R. 85, Subpart V\*, for sale, installation, and use on a motor vehicle after such vehicle has left the vehicle manufacturer's production line.

(2) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA pursuant to 40 C.F.R. 86\*, prior to the production of vehicles with that design.

(3) "Consignment" means a transaction whereby the owner of a motor vehicle (consignor) delivers such vehicle to an individual (consignee) who sells such vehicle to a third party for a fee or commission. A consignment does not include a transfer of title or ownership from a consignor to a consignee for the purposes of this rule.

(4) "Emission control system" means an emission control device installed by the manufacturer to reduce air pollution from a motor vehicle, including but not limited to the following:

(A) Positive crankcase ventilation (PCV) system.

(B) Air pumps.

(C) Catalysts and catalytic converters.

(D) Evaporative canisters.

(E) Exhaust gas recirculation (EGR) systems.

(F) Leaded fuel nozzle restrictors installed on motor vehicles designed to use unleaded gasoline only.

(G) Thermostatic air cleaners (TAC), including stoves, stove pipes, and thermostats.

(H) Fuel filler caps.

(5) "Heavy duty motor vehicle" means a motor vehicle rated at more than eight thousand five hundred (8,500) pounds gross vehicle weight rating or that has a vehicle curb weight of more than six thousand (6,000) pounds or a basic vehicle frontal area in excess of forty-five (45) square feet.

- (6) "Leaded gasoline" means gasoline containing greater than five-hundredths (0.05) grams of lead per gallon of gasoline.
- (7) "Light duty motor vehicle" means a motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicle weight rating or less with a vehicle curb weight of six thousand (6,000) pounds or less and a basic vehicle frontal area of forty-five (45) square feet or less.
- (8) "Person" means an individual, firm, partnership, association, corporation, fleet operator, or governmental agency. For the purposes of sections 3(a)(1) and 5 of this rule, this definition does not include:
- (A) a person transferring ownership of a tampered vehicle to another person if such transfer is in the nature of a wholesale transaction; or
  - (B) a person receiving a tampered vehicle with the intent to sell such vehicle on a consignment basis.
- (9) "Service station" means a garage, muffler shop, or dealership where motor vehicles are repaired or serviced.
- (10) "Tampering" means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operations. In addition, any act which constitutes engine switching as provided under section 3(b) of this rule shall constitute tampering for the purposes of this rule.
- (11) "Unleaded gasoline" means gasoline containing not more than five-hundredths (0.05) grams of lead per gallon of gasoline.
- (12) "Wholesale" means a transfer of ownership of a motor vehicle between motor vehicle dealers with the ultimate intent of selling such vehicle to the public on a retail basis.

\*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 13-2.1-2; filed May 24, 1990, 10:00 a.m.: 13 IR 1851; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-2.1-3 Requirements**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) Violations of the following provisions constitute tampering for the purposes of this rule:

- (1) No person shall rent, lease, sell, offer for sale, or in any manner transfer ownership of a motor vehicle with knowledge that the vehicle has been subject to tampering. For the purposes of this subdivision, knowledge of tampering shall be imputed to any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines or any person who operates a fleet of motor vehicles.
  - (2) No person shall cause, suffer, allow, or permit the removal, dismantling, disconnection, disabling, or disrepair of any emission control system which has been installed on a motor vehicle by the manufacturer, unless such emission control system is replaced with an accepted aftermarket catalytic converter or other emission control system which meets the performance criteria specified in 40 C.F.R. 85, Subpart V\*, and the requirements of section 4 of this rule.
  - (3) No person shall sell, offer for sale, or advertise for sale any add-on part or modified part which inhibits the effectiveness or bypasses an emission control system or otherwise fails to meet the performance criteria for certification specified in 40 C.F.R. 85, Subpart V.
  - (4) No person shall operate a motor vehicle with knowledge that the vehicle has been subject to tampering. For the purposes of this subdivision, knowledge of tampering shall be imputed to any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines or any person who operates a fleet of motor vehicles.
- (b) Violations of the following provisions constitute engine switching for the purposes of this rule:
- (1) No person shall cause, suffer, allow, or permit the installation of an engine into a light duty motor vehicle, unless the resulting vehicle is identical to a certified configuration of the same or newer model year as the vehicle chassis.
  - (2) No person shall cause, suffer, allow, or permit the installation of an engine into a heavy duty motor vehicle, unless the installed engine is identical to a certified configuration of an engine which is the same or newer model year as the installed engine.
  - (3) No person shall cause, suffer, allow, or permit the installation of an engine designed for a heavy duty motor vehicle into a light duty motor vehicle.
- (c) Violations of the following provisions constitute fuel switching for the purposes of this rule:

(1) No person shall sell, dispense, or offer for sale gasoline represented to be unleaded unless such gasoline meets the requirements for unleaded gasoline specified in section 2 of this rule.

(2) No person shall knowingly introduce or cause or allow the introduction of leaded gasoline into a motor vehicle which was originally designed to use unleaded gasoline only.

(3) No person shall modify the gasoline pump dispensing nozzle in order to dispense leaded gasoline into a motor vehicle which was originally designed to use unleaded gasoline only. Each leaded gasoline pump shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than ninety-three hundredths (0.93) inches. Each unleaded gasoline pump shall be equipped with a nozzle spout having a terminal end with an outside diameter not greater than eighty-four hundredths (0.84) inches and the spout length from retaining spring to the tip shall be a minimum of two and seventy-five hundredths (2.75) inches.

(4) All gasoline dispensing facilities shall display permanent signs clearly distinguishing unleaded and leaded gasoline dispensing pumps.

(5) Each gasoline dispensing facility shall display permanent signs visible to an individual introducing gasoline into a motor vehicle. The sign shall state that federal and state law prohibits the introduction of leaded gasoline into any motor vehicle designed by the manufacturer for unleaded gasoline only. This notice shall be no smaller than thirty-six (36) point bold type.

\*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 13-2.1-3; filed May 24, 1990, 10:00 a.m.: 13 IR 1851; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-2.1-4 Accepted aftermarket catalytic converters**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. (a) A person shall install an accepted aftermarket catalytic converter on a vehicle under five (5) years and/or fifty thousand (50,000) miles if the converter is missing or the commissioner has determined that the currently installed converter has been damaged or is on a vehicle which has been subject to fuel switching, or on a vehicle over five (5) years and/or fifty thousand (50,000) miles if such replacement has been established and documented to the satisfaction of the commissioner.

(b) A person shall not install any aftermarket catalytic converter if a currently installed original or equivalent converter is functioning properly. Only an original or equivalent converter and not an aftermarket catalytic converter shall be installed where the replacement is under recall or warranty or the vehicle is returning from overseas use.

(c) A person involved in the installation of an accepted aftermarket catalytic converter shall retain copies of the following invoices and statements for two (2) years:

(1) Invoice, including the following:

- (A) Customer's name and complete address.
- (B) Vehicle model, year, make, and mileage.
- (C) The reason for replacement.

(2) Any statements from the commissioner requiring replacement.

(d) A person involved in the installation of an accepted aftermarket catalytic converter shall:

- (1) retain the replaced converter for fifteen (15) days after removal;
- (2) mark the replaced converter so it can be matched to the corresponding replacement invoice and statement; and
- (3) maintain availability of the replaced converter for inspection during the fifteen (15) day period.

(e) An accepted aftermarket catalytic converter shall be installed in the same location as the original and with other required converters, shall be the same type as the original converter (oxidation, three (3) way, or three (3) way oxidation (dual-bed)), installed only on vehicles as specified by the converter manufacturer, properly connected to existing air injection components, and accompanied by a warranty card filled in by the installer (if a new converter). (*Air Pollution Control Board; 326 IAC 13-2.1-4; filed May 24, 1990, 10:00 a.m.: 13 IR 1852; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-2.1-5 Penalties**

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) Violation of section 3(a)(1), 3(a)(2), 3(a)(4), or 3(b) of this rule subjects the owner or operator to suspension or revocation of the registration for the tampered vehicle by the bureau of motor vehicles. The tampered vehicle is not thereafter eligible for registration until the tampered device has been restored, replaced, or repaired.

(b) Any person found to be in violation of sections 3(a), 3(b), or 4 of this rule shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500) per violation.

(c) Any person found to be in violation of section 3(c) of this rule shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000) per violation. (*Air Pollution Control Board; 326 IAC 13-2.1-5; filed May 24, 1990, 10:00 a.m.: 13 IR 1853; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **Rule 3. Control of Gasoline Reid Vapor Pressure**

#### **326 IAC 13-3-1 Applicability**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 1. (a) This rule applies to:

(1) all refiners, importers, carriers, or terminals who supply gasoline for use in the Clark and Floyd Counties ozone nonattainment area between May 1 and September 15 of each calendar year beginning in 1995; and

(2) all retail stations and other end users who sell or dispense gasoline in Clark or Floyd Counties between June 1 and September 15 of each calendar year beginning in 1995.

(b) If federal Reformulated Gas (RFG) is required by operation of federal law to be sold in Clark and Floyd Counties or if the governor elects to participate in the RFG program, this rule shall no longer apply after the date that RFG is required to be sold. The department shall make all reasonable efforts to notify the affected parties listed in this section no later than thirty (30) days after federal law requires RFG to be sold or the governor's election to participate in the RFG program. (*Air Pollution Control Board; 326 IAC 13-3-1; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **326 IAC 13-3-2 Definitions**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1, IC 13-1-1-2, and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise:

(1) "Alternate fuel" means any of the following fuels or power sources:

(A) Methanol.

(B) Ethanol.

(C) Other alcohols containing eighty-five percent (85%) or more by volume of such alcohol with gasoline or other fuels.

(D) Natural gas.

(E) Liquefied petroleum gas.

(F) Hydrogen.

(G) Electricity.

(H) Diesel fuel.

(2) "Carrier" means any distributor who transports or stores or causes the transportation or storage of gasoline without taking title to or otherwise having any ownership of the gasoline, and without altering the quality or quantity of the gasoline.

(3) "Compliant fuel" means seven and eight-tenths (7.8) pounds per square inch (psi) low RVP gasoline, federal reformulated gasoline, or ethanol blended low RVP gasoline as described in section 5 of this rule.

(4) "Consumer" means any person who is the ultimate consumer of gasoline or who purchases fuel for use in a fleet of motor vehicles.

(5) "Distributor" means any person who transports, stores, or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet.

(6) "Ethanol blender" means a person who owns, leases, operates, controls, or supervises an ethanol blending facility.

(7) "Federal reformulated gasoline" or "RFG" means gasoline which meets the requirements for RFG as specified in 40 CFR



80\*.

(8) "Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(9) "Gasoline distributor network" means all persons involved with the distribution of gasoline starting with the refiner and ending with the retailer or wholesale purchaser-consumer.

(10) "Importer" means a person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States.

(11) "Low RVP gasoline" means any gasoline which has a Reid vapor pressure of seven and eight-tenths (7.8) psi or less per gallon as determined in accordance with the appropriate sampling and testing methodologies set forth in 40 CFR 80\*.

(12) "Noncompliant gasoline" means any motor fuel that is not an alternate or a compliant fuel.

(13) "Psi" means pounds per square inch absolute.

(14) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery which produces gasoline for use in an area where low RVP gasoline is required.

(15) "Refinery" means a plant at which gasoline is produced.

(16) "Reid vapor pressure" or "RVP" means the absolute vapor pressure of gasoline or gasoline/ethanol blends as determined by the appropriate sampling and testing methodologies set forth in 40 CFR 80\*.

(17) "Reseller" means any person who purchases gasoline and resells or transfers it to a retailer or a wholesale purchaser-consumer.

(18) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the ultimate consumer for use in motor vehicles.

(19) "Retailer" means any person who owns, leases, operates, or supervises a retail outlet.

(20) "Wholesale purchaser-consumer" means any person who is the ultimate consumer of gasoline and who purchases or obtains gasoline from a distributor for use in motor vehicles.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-3-2; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-3-3 General requirements**

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

Affected: IC 13-12

Sec. 3. Beginning in 1995, and each calendar year thereafter, no refiner, importer, distributor, reseller, carrier, or retailer shall:  
(1) sell, offer for sale, dispense, supply, offer for supply, or transport for use in Clark and Floyd Counties gasoline that is not an alternate fuel or a compliant fuel as defined in section 2 of this rule during the applicable compliance period as defined in section 1 of this rule; or

(2) blend, mix, store, or transport or allow blending, mixing, storing, or transporting of compliant fuel with noncompliant fuel during the applicable compliance period as defined in section 1 of this rule.

(*Air Pollution Control Board; 326 IAC 13-3-3; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; errata filed Sep 9, 1995, 9:00 a.m.: 19 IR 42; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-3-4 Record keeping requirements**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 4. (a) A person may not sell, dispense, or transfer gasoline intended for use in Clark and Floyd Counties during the applicable time period as defined in section 1 of this rule, without a transfer document that contains the information listed in this subsection, unless the gasoline is being dispensed into motor vehicles or purchased by a consumer at a retail or wholesale outlet. This document shall accompany every shipment of gasoline after it has been dispensed by the refinery. The document shall contain, at a minimum, the following information:

(1) The date of all transfers.

- (2) The volume of the gasoline that was transferred.
- (3) The volume and percentage of ethanol if ethanol blended, with a date and location of blending.
- (4) The location and time of transfer.
- (5) A statement certifying that the gasoline has an RVP of seven and eight-tenths (7.8) psi or less per gallon or is ethanol blended or is certified as RFG.

(b) Any person who manufactures, refines, transports, stores, or sells compliant fuel that is intended for use in Clark and Floyd Counties during the applicable time period as described in section 1 of this rule, shall ensure that it is segregated from noncompliant fuel and labeled at all times.

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information required by this rule. These records shall be retained by the regulated parties for at least two (2) years from the date of creation or receipt. (*Air Pollution Control Board; 326 IAC 13-3-4; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-3-5 Ethanol blended and reformulated gasoline**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 5. (a) Gasoline containing ethanol may exceed the seven and eight-tenths (7.8) RVP limit by no more than one (1) psi if the gasoline meets all of the following requirements:

- (1) The gasoline must contain denatured, anhydrous ethanol.
- (2) The concentration of anhydrous ethanol, excluding the required denaturing agent, must be at least nine percent (9%) and no more than ten percent (10%), by volume, of the gasoline.
- (3) The ethanol content of the gasoline shall be determined by use of one (1) of the testing methods specified in 40 CFR 80, Appendix F\*. The maximum ethanol content of gasoline shall not exceed any applicable waiver conditions under Section 211(F)(4) of the Clean Air Act, as amended.
- (4) Each invoice, loading ticket, bill of lading, delivery ticket, and other document that accompanies a shipment of gasoline containing ethanol shall contain a statement that the gasoline being shipped contains ethanol and shall list the type and volume percentages of the concentration of ethanol in that gasoline.

(b) Gasoline may exceed the seven and eight-tenths (7.8) psi RVP limit if it is RFG. Each invoice, loading ticket, bill of lading, delivery ticket, and other document that accompanies a shipment of RFG shall contain a statement from the refiner that certifies this fact.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-3-5; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 13-3-6 Compliance and test methods**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 6. (a) Compliance with the seven and eight-tenths (7.8) psi standard shall be determined by use of one (1) of the sampling and testing methods specified in this section. Any sampling or testing of gasoline required by this chapter shall be accomplished as follows:

- (1) Sampling of gasoline for the purpose of determining compliance with this rule shall be conducted in accordance with 40 CFR 80, Appendix D\*.
- (2) Testing of gasoline for purposes of determining compliance with this rule shall be conducted in accordance with 40 CFR 80, Appendix E\*.

(b) Upon presentation of credentials, the refiner, importer, distributor, reseller, carrier, or retailer to whom this rule applies shall allow the commissioner, or an authorized representative of the commissioner, to sample or test gasoline in accordance with this section.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office,

Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-3-6; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2740; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 13-3-7 Violations**

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1  
Affected: IC 13-1-1; IC 13-7-5-7

Sec. 7. Failure to comply with any provision of this article constitutes a violation of this article and is subject to the provisions of IC 13-7-5-7. (*Air Pollution Control Board; 326 IAC 13-3-7; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2740; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**ARTICLE 14. EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

**Rule 1. General Provisions**

**326 IAC 14-1-1 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of 326 IAC 14 apply to the owner or operator of any stationary source for which a standard is prescribed under this article (326 IAC 14).

(b) The board adopts by reference and incorporates 40 CFR 61, Subpart A, General Provisions concerning emission standards for hazardous air pollutants, with the exception of the following sections:

- 61.04—Address
- 61.11(f)—Administrator's Authority on Waiver of Compliance
- 61.12(d)—Alternative Means of Emission Limitation
- 61.16—Availability of Information
- 61.17—State Authority

and as modified in 326 IAC 14-1-2. Provisions of waiver of compliance in 40 CFR 61 Section 61.11, Subpart A, shall not apply to sources subject to the requirements established in 326 IAC 14-9.

(*Air Pollution Control Board; 326 IAC 14-1-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2562; filed Apr 13, 1988, 3:30 pm: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 14-1-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7  
Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 2. (a) For the purposes of this article (326 IAC 14), the definitions, abbreviations and units listed in 40 CFR 61, Subpart A, Sections 61.02 and 61.03, shall apply with the exception of subsection (b) of this section.

(b) For the purposes of this article (326 IAC 14), the following substitutions shall be made for terms used in the portions of 40 CFR Part 61 adopted by reference:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "U.S. Environmental Protection Agency" or "U.S. EPA" means the department of environmental management.

(*Air Pollution Control Board; 326 IAC 14-1-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2562; filed Apr 13, 1988, 3:30 pm: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 14-1-3 More stringent limitations apply**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
Affected: IC 13-15; IC 13-17

Sec. 3. If emission limitations contained in this article conflict with or are inconsistent with any other emission limitations established by this title, then the more stringent limit shall apply. (*Air Pollution Control Board; 326 IAC 14-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2562; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3011; errata, 11 IR 3047; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2372; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1604*)

**326 IAC 14-1-4 Federal regulations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 4. Copies of the Code of Federal Regulations (CFR) referenced in this article (326 IAC 14) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the said material are also available from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. All citations to the CFR in this article (326 IAC 14) refer to the version cited in 326 IAC 1-1-3. (*Air Pollution Control Board; 326 IAC 14-1-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2562; filed Apr 13, 1988, 3:30 pm: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 2. Emission Standards for Sources of Asbestos Listed in Section 1 of this Rule**

**326 IAC 14-2-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule shall apply to the following sources:

- (1) Asbestos mills.
- (2) Surfacing of roadways with asbestos-containing materials.
- (3) Manufacturing operations using commercial asbestos.
- (4) Spray-on application of materials containing asbestos.
- (5) Fabricating operations using commercial asbestos.
- (6) Insulating materials that contain commercial asbestos.
- (7) Waste disposal for asbestos mills.
- (8) Waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.
- (9) Inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.
- (10) Air cleaning.
- (11) Reporting.
- (12) Active waste disposal sites.
- (13) Operations that convert asbestos-containing waste material into nonasbestos (asbestos-free) material.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart M, Emission Standard for Asbestos\*.

\*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 Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; filed Dec 5, 1990, 3:40 p.m.: 14 IR 607; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3084*)

**Rule 3. Emission Standard for Beryllium**

**326 IAC 14-3-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of this rule (326 IAC 14-3) shall apply to the following stationary sources:

- (1) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium,

beryllium oxide, beryllium alloys, or beryllium-containing waste.

(2) Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than five percent (5%) beryllium by weight.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart C, Emission Standard for Beryllium.

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 14-3-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 4. Emission Standard for Beryllium Rocket Motor Firing**

##### **326 IAC 14-4-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of this rule (326 IAC 14-4) shall apply to rocket motor test sites.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart D, Emission Standard for Beryllium Rocket Motor Firing.

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 14-4-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 5. Emission Standard for Mercury**

##### **326 IAC 14-5-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of this rule (326 IAC 14-5) shall apply to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart E, Emission Standard for Mercury.

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 14-5-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 6. Emission Standard for Vinyl Chloride**

##### **326 IAC 14-6-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) This rule (326 IAC 14-6) shall apply to plants, as defined in 40 CFR 61, Subpart F, which produce:

(1) ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene;

(2) vinyl chloride by any process; and/or

(3) one (1) or more polymers containing any fraction of polymerized vinyl chloride.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart F, Emission Standard for Vinyl

Chloride.

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indianapolis, Indiana [sic.] 46225. (*Air Pollution Control Board; 326 IAC 14-6-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 7. Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene**

##### **326 IAC 14-7-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of this rule (326 IAC 14-7) apply to each of the following sources that are intended to operate in benzene service: pumps, compressors, pressure relief devices, sampling connections, systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems required by this rule (326 IAC 14-7).

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart J, Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indianapolis, Indiana [sic.] 46225. (*Air Pollution Control Board; 326 IAC 14-7-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2564; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

#### **Rule 8. Emission Standard for Equipment Leaks (Fugitive Emission Sources)**

##### **326 IAC 14-8-1 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. (a) The provisions of this rule (326 IAC 14-8) apply to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service: pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges and other connectors, product accumulator vessels, and control devices or systems required by this rule (326 IAC 14-8).

(b) The board adopts by reference and incorporates 40 CFR Part 61, Subpart V, Emission Standard for Equipment Leaks (Fugitive Emission Sources), with the exception of revisions to sections 61.241, 61.245, 61.246, and 61.247 as specified in 326 IAC 14-8-2 through 326 IAC 14-8-5. (*Air Pollution Control Board; 326 IAC 14-8-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2564; filed Apr 13, 1988, 3:30 pm: 11 IR 3012; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

##### **326 IAC 14-8-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 2. (a) For the purposes of this rule (326 IAC 14-8), the definitions, except for those defined in this section, listed in 40 CFR 61, Subpart V, Section 61.241 shall apply.

“Repaired” means that equipment is adjusted, or otherwise altered, to eliminate a leak as indicated by one of the following: an instrument reading of ten thousand (10,000) ppm or greater, detectable emissions as indicated by an instrument reading of five hundred (500) ppm or greater above a background concentration, indication of liquids dripping, or indication by a sensor that a seal system or barrier fluid system has failed.

“Stuffing box pressure” means the fluid (liquid or gas) pressure inside the casing or housing of a piece of equipment, on the process side of the inboard seal. (*Air Pollution Control Board; 326 IAC 14-8-2; filed Apr 13, 1988, 3:30 pm: 11 IR 3012; readopted*

*filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 14-8-3 Test methods and procedures**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 3. (a) For the purposes of this rule (326 IAC 14-8), the introductory paragraph of 40 CFR 61, Subpart V, Section 61.245(b), Test Methods and Procedures, shall read as follows: "Monitoring, as required in 40 CFR 61, Subpart V, Sections 61.242, 61.243, 61.244 and 326 IAC 14-9-5, shall comply with the following requirements:"

(b) For the purposes of this rule (326 IAC 14-8), the introductory paragraph of 40 CFR 61, Subpart V, Section 61.245(c) shall read as follows: "When equipment is tested for compliance with no detectable emissions, the test shall comply with the following requirements:"

(c) For the purposes of this rule (326 IAC 14-8), 40 CFR 61, Subpart V, Section 61.245(d)(3) shall read as follows: "Samples used in determining the percent VHAP content shall be representative, as determined by the commissioner, of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare." (*Air Pollution Control Board; 326 IAC 14-8-3; filed Apr 13, 1988, 3:30 pm: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 14-8-4 Record keeping requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 4. (a) For the purposes of this rule (326 IAC 14-8), introductory sentences in 40 CFR 61, Subpart V, Section 61.246, Recordkeeping Requirements, (b), (c), and (e), paragraphs (e)(2)(i), (e)(2)(ii), (e)(4)(i), and (h)(1) shall read as in subsections (b), (c), (d), (e), (f), (g), and (h) of this section, respectively.

(b) "When each leak is detected as specified in 40 CFR 61, Subpart V, Sections 61.242-2, 61.242-3, 61.242-7, 61.242-8, and 326 IAC 14-9-5, the following requirements apply:"

(c) "When each leak is detected as specified in 40 CFR 61, Subpart V, Sections 61.242-2, 61.242-3, 61.242-7, 61.242-8, and 326 IAC 14-9-5, the following information shall be recorded in a log and shall be kept for two (2) years in a readily accessible location:"

(d) "The following information pertaining to all equipment to which a standard applies shall be recorded in a log that is kept in a readily accessible location:"

(e) "A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than five hundred (500) ppm above background"

(f) "The designation of this equipment for no detectable emissions shall be signed by the owner or operator"

(g) "The dates of each compliance test required in 40 CFR 61, Subpart V, Sections 61.242-2(e), 61-242-3(i) [*sic.*, 61.242-3(i)], 61.242-4, 61.242-7(f), and 326 IAC 14-9-5(g)"

(h) "Design criterion required in 40 CFR 61, Subpart V, Section 61.242-2(d)(5), 61.242(e)(2), and 326 IAC 14-9-5(e)(4) and an explanation of the design criterion; and". (*Air Pollution Control Board; 326 IAC 14-8-4; filed Apr 13, 1988, 3:30 pm: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 14-8-5 Reporting requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 5. (a) For the purposes of this rule (326 IAC 14-8), 40 CFR 61, Subpart V, Section 61.247(b)(5), Reporting Requirements, shall read as follows: "The results of all performance tests to determine compliance with no detectable emissions and with 40 CFR 61, Subpart V, Sections 61.243-1 and 61.243-2 conducted within the semiannual reporting period."

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. All citations to the CFR in this article (326 IAC 14) refer to the version cited in 326 IAC 1-1-3. (*Air Pollution Control Board; 326 IAC 14-8-5; filed Apr 13, 1988, 3:30 pm: 11 IR 3013; errata, 11 IR 3047; readopted filed Jan 10,*

2001, 3:20 p.m.: 24 IR 1477)

**Rule 9. Emission Limitations for Benzene from Furnace Coke Oven By-Product Recovery Plants**

**326 IAC 14-9-1 Applicability**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 1. The provisions of this rule (326 IAC 14-9) apply to each of the following sources at furnace coke by-product recovery plants located in Lake and Porter Counties: light-oil sumps, final coolers, final-cooler cooling towers, and the following equipment that are intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 326 IAC 14-9-5, Standards for Equipment Leaks. For the purposes of its volatile organic compound emissions, once a plant becomes a furnace coke by-product recovery plant, it will continue to be considered a furnace coke by-product recovery plant under this rule (326 IAC 14-9), regardless of the type of coke produced in the future. (*Air Pollution Control Board; 326 IAC 14-9-1; filed Apr 13, 1988, 3:30 pm: 11 IR 3013; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 14-9-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 2. All terms not defined herein shall have the meaning given them in 326 IAC 14-1, in 326 IAC 14-8, and the following terms shall have the specific meanings provided below.

“Annual coke production” means the coke produced in the batteries connected to the coke by-product recovery plant over a twelve (12) month period. The first twelve (12) month period concludes on the first December 31 that comes at least twelve (12) months after the effective date of 326 IAC 14-9, or after the date of initial startup if it is after the effective date.

“In benzene service” means a piece of equipment, other than an exhauster, that either contains or contacts a fluid (liquid or gas) that is at least ten percent (10%) benzene by weight or any exhauster that either contains or contacts a fluid (liquid or gas) at least one percent (1%) benzene by weight as determined by the provisions of 326 IAC 14-9-8(b).

“Coke by-product recovery plant” means any facility designed and operated for the separation and recovery of coal tar derivatives (by-products) evolved from coal during the coking process of a coke oven battery.

“Direct-water final cooler” means a final cooler in which the recirculating water, the cooling medium, is in direct contact with the coke oven gas.

“Equipment” means each pump, valve, exhauster, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in benzene service.

“Exhauster” means a fan located between the inlet gas flange and outlet gas flange of the coke oven gas line that provides motive power for coke oven gases.

“Final cooler” means an equipment used to reduce the temperature of the coke oven gas to improve light-oil absorption in the light-oil scrubber.

“Final-cooler cooling tower” means an equipment used to cool the final cooler water.

“Foundry coke” means coke that is produced from raw materials with less than twenty-six percent (26%) volatile material by weight and that is subject to a coking period of twenty-four (24) hours or more.

“Foundry coke by-product recovery plant” means a by-product recovery plant connected to coke batteries whose annual coke production is at least seventy-five percent (75%) foundry coke.

“Furnace coke” means coke produced in by-product ovens that is not foundry coke.

“Furnace coke by-product recovery plant” means a coke by-product recovery plant that is not a foundry coke by-product recovery plant.

“Light-oil sump” means any tank, pit, enclosure, or slop tank in light-oil recovery operations that functions as a wastewater separation device for hydrocarbon liquids on the surface of the water.

“Semiannual” means a six (6) month period; the first semiannual period concludes on the last day of the last full month during the one hundred eighty (180) days following initial startup for new sources; and the first semiannual period concludes on the last



day of the last full month during the one hundred eighty (180) days after the promulgation of this rule (326 IAC 14-9) for existing sources.

“Tar-bottom final cooler” means a final cooler in which the water, after it has cooled the coke oven gas, is forced through a pool of tar.

“Wash-oil circulation tank” means any vessel that functions to hold the wash oil used in light-oil recovery operations or the wash oil used in the wash-oil final cooler.

“Wash-oil decanter” means any vessel that functions to separate, by gravity, the condensed water from the wash oil received from a wash-oil final cooler or from a light-oil scrubber.

“Wash-oil final cooler” means a final cooler in which wash-oil is used as the cooling medium. (*Air Pollution Control Board; 326 IAC 14-9-2; filed Apr 13, 1988, 3:30 pm: 11 IR 3013; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-3 Light-oil sumps**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 3. (a) The provisions of this section apply to the owner or operator of light-oil sumps.

(1) Each owner or operator of a light-oil sump shall enclose and seal the liquid surface in the sump to form a closed system to contain the emissions.

(2) Subdivision (1) shall not apply if, the owner or operator elects to install, operate, and maintain a vent on the light-oil sump cover. Each vent pipe must be equipped with a water leg seal, a pressure relief device, or vacuum relief device.

(3) Subdivision (1) shall not apply if, the owner or operator elects to install, operate, and maintain an access hatch on each light-oil sump cover. Each access hatch must be equipped with a gasket and a cover, seal or lid that must be kept in a closed position at all times, unless in actual use.

(4) The light-oil sump cover may be removed for periodic maintenance but must be replaced with a seal at completion of the maintenance operation.

(b) The venting of steam or other gases from the by-product process to the light-oil sump is not permitted.

(c) Following the installation of any control equipment used to meet the requirements of subsection (a), the owner or operator shall monitor semiannually the connections and seals on each control system to determine if it is operating with no detectable emissions, using 40 CFR Part 60, Appendix A, Method 21, and the procedures specified in 326 IAC 14-8-3(b) and 40 CFR Part 61, Subpart V, Section 61.245(c). The owner or operator also shall conduct on a semiannual basis a visual inspection of each source including sealing materials for evidence of visible defects such as gaps or tears.

(1) If an instrument reading indicates an organic chemical concentration of more than 500 ppm above a background concentration, as measured by 40 CFR Part 60, Appendix A, Method 21, a leak is detected.

(2) If visible defects such as gaps in sealing materials are observed during visual inspection, a leak is detected.

(3) A first attempt at repair of any leak or visible defect shall be made no later than five (5) calendar days after each leak is detected.

(4) When a leak is detected, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after it is detected.

(*Air Pollution Control Board; 326 IAC 14-9-3; filed Apr 13, 1988, 3:30 pm: 11 IR 3014; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-4 Final coolers and final-cooler cooling towers**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 4. No benzene emissions are allowed from final coolers and final-cooler cooling towers at coke oven by-product recovery plants. (*Air Pollution Control Board; 326 IAC 14-9-4; filed Apr 13, 1988, 3:30 pm: 11 IR 3015; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-5 Equipment leaks**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

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AIR POLLUTION CONTROL BOARD

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Sec. 5. (a) Each owner or operator of equipment in benzene service shall comply with the requirements of 326 IAC 14-8 and 40 CFR 61, Subpart V, except as provided in this section.

(b) The provisions of 40 CFR 61, Subpart V, Sections 61.242-3 and 61.242-9, do not apply to this rule (326 IAC 14-9).

(c) Each piece of equipment in benzene service to which this rule (326 IAC 14-9) applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(d) Each exhauster shall be monitored quarterly to detect leaks by the methods specified in 326 IAC 14-8-3(a) and in 40 CFR 61, Subpart V, Section 61.245(b) except as provided in subsections (e), (f), and (g) of this section and in 326 IAC 14-9-6(c).

(1) If an instrument reading of ten thousand (10,000) ppm or greater is measured, a leak is detected.

(2) When a leak is detected, it shall be repaired as soon as practicable, but no later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR 61, Subpart V, Section 61.242-10(a) and (b). A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(e) Each exhauster equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluids to the atmosphere is exempt from the requirements of subsection (d) provided the following requirements are met:

(1) Each exhauster seal system is:

(A) operated with the barrier fluid at a pressure that is greater than the exhauster stuffing box pressure; or

(B) equipped with a barrier fluid system that is connected by a closed vent system to a control device that complies with the requirements of 40 CFR 61, Subpart V, Section 61.242-11; or

(C) equipped with a system that purges the barrier fluid into a process stream with zero (0) benzene emissions to the atmosphere.

(2) The barrier fluid is not in benzene service.

(3) Each barrier fluid system shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(4) Each sensor as described in subsection (e)(3) of this section shall be checked daily or shall be equipped with an audible alarm.

(5) The owner or operator shall determine, based on design consideration and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(6) If the sensor indicates failure of the seal system, the barrier system, or both, based on the criterion determined under subsection (e)(5) of this section, a leak is detected.

(7) When a leak is detected, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR 61, Subpart V, Section 61.242-10.

(8) A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(f) An exhauster is exempt from the requirements of subsection (d) of this section if it is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of 40 CFR 61, Subpart V, Section 61.242-11 except as provided in subsection (g) of this section.

(g) Any exhauster that is designated, as described in 326 IAC 14-8-4(d), (e), (f), and (g) and in 40 CFR 61, Subpart V, Section 61.246(e) for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (d) of this section if the exhauster:

(1) is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in 326 IAC 14-8-3(b) and in 40 CFR 61, Subpart V, Section 61.245(c); and

(2) is tested for compliance with subsection (g)(1) of this section initially upon designation, annually, and at other times requested by the commissioner.

(h) Any exhauster that is in vacuum service is excluded from the requirements of this rule (326 IAC 14-9) if it is identified as required in 326 IAC 14-8-4(d) and in 40 CFR 61, Subpart V, Section 61.246(e)(5). (*Air Pollution Control Board; 326 IAC 14-9-5; filed Apr 13, 1988, 3:30 pm: 11 IR 3015; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-6 Compliance determinations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 6. (a) Each owner or operator subject to the provisions of this rule (326 IAC 14-9) shall demonstrate compliance with

the requirements of 326 IAC 14-9-3 through 326 IAC 14-9-5 for each new and existing source, except as provided under 40 CFR 61, Subpart V, Sections 61.243-1 and 61.243-2.

(b) Compliance with this rule (326 IAC 14-9) shall be determined by a review of records, review of performance test results, inspections, or any combination thereof, using the methods and procedures specified in 326 IAC 14-9-8.

(c) For any requests for permission to use an alternative to the work practices required under 326 IAC 14-9-5, the provisions of 40 CFR 61, Subpart V, Section 61.244 shall apply. (*Air Pollution Control Board; 326 IAC 14-9-6; filed Apr 13, 1988, 3:30 pm: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-7 Compliance schedule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 7. (a) Each owner or operator shall comply with the requirements of 326 IAC 14-9-3 prior to June 30, 1989.

(b) Each owner or operator shall comply with the requirements of 326 IAC 14-9-5 prior to November 30, 1988.

(c) Each owner or operator shall comply with the requirements of 326 IAC 14-9-4 prior to December 31, 1990, and shall accomplish the following tasks according to the schedule provided in subdivisions (1), (2), (3), and (4) of this section.

(1) Submit by August 31, 1988, a compliance plan to the department of environmental management containing specific control measures for achieving compliance.

(2) Award contracts for emission control systems or process changes for emission control by August 31, 1989.

(3) Begin on-site construction of emission control system or process changes by April 1, 1990.

(4) Complete on-site construction of all emission control systems or process changes and achieve final compliance by December 31, 1990.

(d) Each owner or operator subject to the provisions of this rule (326 IAC 14-9) shall be in compliance with the requirements specified in subsections (a) and (c) of this section if the coke oven by-product recover [*sic.*] plant is not in operation.

(e) Each owner or operator shall submit a written statement providing evidence to the commissioner within 30 days of each applicable date specified in subsections (a), and (b), subdivisions (c)(1), (c)(2), (c)(3) and (c)(4) of this section that the requirements of this section have been implemented. (*Air Pollution Control Board; 326 IAC 14-9-7; filed Apr 13, 1988, 3:30 pm: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-8 Test methods and procedures**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 8. (a) Each owner or operator subject to the provisions of this rule shall comply with the requirements in 326 IAC 14-8-3 and in 40 CFR 61, Subpart V, Section 61.245.

(b) To determine whether or not a piece of equipment is in benzene service, the methods in 40 CFR 61, Subpart V, Section 61.245(d) and in 326 IAC 14-8-3(c) shall be used, except that, for exhausters, the percent benzene shall be one percent (1%) by weight rather than the ten percent (10%) by weight described in 40 CFR 61, Subpart V, Section 61.245(d). (*Air Pollution Control Board; 326 IAC 14-9-8; filed Apr 13, 1988, 3:30 pm: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 14-9-9 Record keeping and reporting requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 9. (a) The following information pertaining to the design of control equipment installed to comply with 326 IAC 14-9-3 and 326 IAC 14-9-4 shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any changes in the design specifications.

(b) The following information pertaining to sources subject to 326 IAC 14-9-3 shall be recorded and maintained for two (2) years following each semiannual inspection and each annual maintenance inspection:

(1) The date of the inspection and the name of the inspector.

- (2) A brief description of each visible defect in the source or control equipment and the method and date of repair of the defect.
- (3) The presence of a leak, as measured using the method described in 326 IAC 14-8-3(b) and in 40 CFR 61, Subpart V, Section 61.245(c). The record shall include the date of attempted and actual repair and method of repair of the leak.
- (4) A brief description of any system abnormalities found during the annual maintenance inspection, the repairs made, the date of attempted repair, and the date of actual repair.
- (c) Each owner or operator of a source subject to 326 IAC 14-9-5 shall comply with 326 IAC 14-8-4 and 40 CFR 61, Subpart V, Section 61.246.
  - (d) The provisions of this section apply to an owner or operator of any source to which this rule (326 IAC 14-9) applies.
  - (1) The owner or operator shall submit a written statement to the commissioner providing information specified in subdivisions (2), (3) and (4) of this subsection.
  - (2) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement shall be submitted within ninety (90) days of the effective date, or on a date specified by the commissioner along with the information required under 40 CFR 61, Subpart A, Section 61.10(a)(1) through 61.10(a)(6).
  - (3) In the case of new sources that did not have an initial startup date preceding the effective date, the statement shall be submitted with the application for approval of construction, as described in 40 CFR 61, Subpart A, Section 61.07.
  - (4) The owner or operator shall include in the statement the following information for each source:
    - (A) Type of source such as a light-oil sump, pump or final cooler.
    - (B) For equipment in benzene service, equipment identification number and process unit identification; percent by weight benzene in the fluid at the equipment; and process fluid state in the equipment (gas/vapor or liquid).
    - (C) Method of compliance with the standard such as use of a wash-oil final cooler, monthly leak detection and repair, or equipped with dual mechanical seals.
  - (e) A report shall be submitted to the commissioner semiannually starting six (6) months after the initial reports required in subsection (d) of this section and 40 CFR 61, Subpart A, Section which includes the following information:
    - (1) For sources subject to 326 IAC 14-9-3,
      - (A) a brief description of any visible defect in the source or ductwork,
      - (B) the number of leaks detected and repaired, and
      - (C) a brief description of any system abnormalities found during each annual maintenance inspection that occurred in the reporting period and the repairs made.
    - (2) For equipment in benzene service subject to 326 IAC 14-9-5(a), information required by 326 IAC 14-8-5(a) and in 40 CFR 61, Subpart V, Section 61.247(b).
    - (3) For each exhauster subject to 326 IAC 14-9-5 for each quarter during the semiannual reporting period:
      - (A) the number of exhausters for which leaks were detected as described in 326 IAC 14-9-5(d) and 326 IAC 14-9-5(e)(6);
      - (B) the number of exhauster [*sic.*] for which leaks were repaired as required in 326 IAC 14-9-5(d), 326 IAC 14-9-5(e)(7), and 326 IAC 14-9-5(e)(8);
      - (C) the results of performance tests to determine compliance with 326 IAC 14-9-5(g) conducted within the semiannual reporting period;
    - (4) A statement signed by the owner or operator stating whether all requirements of 326 IAC 14-9 have been fulfilled during the semiannual reporting period.
    - (5) Revisions to items reported according to subsection (d) of this section if changes have occurred since the initial report or subsequent revisions to the initial report. Compliance with the requirements of 40 CFR 61, Subpart A, Section 61.10(c), is not required for revisions documented under subsection (e) of this section.
    - (f) In the first report submitted as required in subsection (d) of this section, the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule unless a revised schedule has been submitted in a previous semiannual report.
    - (g) An owner or operator electing to comply with the provisions of 40 CFR 61, Subpart V, Sections 61.243-1 and 61.243-2 shall notify the commissioner of the alternative standard selected 90 days before implementing either of the provisions.
    - (h) An application for approval of construction or modification, as required under 40 CFR 61, Subpart A, Sections 61.05(a) and 61.07, will not be required for sources subject to 326 IAC 14-9-5 if:
      - (1) The new or modified source complies with 326 IAC 14-9-5.

(2) In the next semiannual report required by subsection (e) of this section, the information described in subsection (d)(4) of this section is included.

\*Copies of the July 1, 1986, Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 14-9-9; filed Apr 13, 1988, 3:30 pm: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

## **Rule 10. Emission Standards for Asbestos; Demolition and Renovation Operations**

### **326 IAC 14-10-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) To determine which requirements of this section and sections 3 through 4 of this rule apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, the owner or operator shall use an Indiana licensed asbestos inspector to inspect thoroughly the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material (ACM). The requirements of sections 3 through 4 of this rule apply to each owner or operator of a demolition or renovation activity, including the removal of regulated asbestos-containing material (RACM). In a facility being demolished, all of the following apply:

(1) All the notification requirements of section 3 of this rule apply and a notification is required even if no asbestos is present.

(2) All the emission control requirements of section 4 of this rule, except as provided in subsection (b) for ordered demolition operations, if the combined amount of regulated asbestos-containing material is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(b) In a facility being demolished under an order of a state or local government agency, because the facility is both structurally unsound and in danger of imminent collapse, all of the following shall apply:

(1) Only the notification requirements in section 3 of this rule and the emission control requirements in section 4(4) through 4(8) and 4(11) through 4(12) of this rule shall apply.

(2) The owner or operator must assume that the debris in the wreckage is contaminated with RACM and dispose of all demolition debris as RACM unless a licensed Indiana inspector has thoroughly inspected the affected facility and certifies that no RACM is present.

(3) All RACM and any asbestos-contaminated debris or assumed RACM shall be properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150\* and 329 IAC 10-8 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*]

(c) In a facility being renovated, including any individual, nonscheduled renovation operation, the following shall apply:

(1) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least two hundred sixty (260) linear feet on or off pipes.

(B) At least one hundred sixty (160) square feet on or off other facility components.

(C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(d) For emergency renovation projects, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessitated the renovation. All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled,

or similarly disturbed is any one (1) of the following:

- (A) At least two hundred sixty (260) linear feet on or off pipes.
- (B) At least one hundred sixty (160) square feet on or off other facility components.
- (C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(e) For any planned renovation operations involving individual, nonscheduled operations, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31.

(2) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least two hundred sixty (260) linear feet on or off pipes.
- (B) At least one hundred sixty (160) square feet on or off other facility components.
- (C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(3) For any planned renovation operations involving individual, nonscheduled operations, all the emission control requirements of section 4 of this rule apply regardless of the size of the job or whether or not the to date cumulative amount of RACM has exceeded the threshold amount of any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(f) For any operations described in subsections (a) through (e), if circumstances prohibit accurate measurement of RACM present prior to removal, and it becomes apparent during removal that the amount of RACM exceeds the applicable quantities, removal is to cease immediately and the following shall apply:

(1) All notification requirements of section 3 of this rule apply if the amount of RACM on or off all facility components is any one (1) of the following:

- (A) At least thirty-five (35) cubic feet.
- (B) At least two hundred sixty (260) linear feet on pipes.
- (C) At least one hundred sixty (160) square feet on other facility components.

(2) All emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(g) Any person holding a valid Indiana certificate of accreditation, issued under 326 IAC 18-1, on the effective date of this rule shall be considered licensed until the expiration date of their certificate of accreditation.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-1; filed Dec 5, 1990, 3:40 p.m.: 14 IR 608; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; filed May 12, 1998, 9:15 a.m.: 21 IR 3739*)

**326 IAC 14-10-2 Definitions**

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

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 2. Terms used in this rule not defined in this section are defined as set forth in 40 CFR 61, Subpart A\*. The following definitions apply throughout this rule:

- (1) "Active waste disposal site" means any disposal site other than an inactive site.
- (2) "Adequately wet" means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible

emissions are observed coming from RACM, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

- (3) "Asbestos" means an asbestiform variety of the following:
- (A) Chrysotile (serpentine).
  - (B) Crocidolite (ribeckite).
  - (C) Amosite (cummingtonite-grunerite).
  - (D) Anthophyllite.
  - (E) Tremolite.
  - (F) Actinolite.
- (4) "Asbestos-containing waste materials" means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this article. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term includes RACM waste and materials contaminated with asbestos, including disposable equipment and clothing.
- (5) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\*, including Category I and Category II asbestos-containing material and all friable material.
- (6) "Asbestos mill" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.
- (7) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:
- (A) At least three (3) linear feet of RACM on or off pipes.
  - (B) At least three (3) square feet of RACM on or off other facility components.
  - (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.
- These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by section 4 of this rule or 29 CFR 1926.1101\*.
- (8) "Asbestos tailings" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.
- (9) "Asbestos waste from control devices" means any waste material that contains asbestos and is collected by a pollution control device.
- (10) "Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\*.
- (11) "Category II nonfriable asbestos-containing material (ACM)" means any material, excluding Category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\* that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.
- (12) "Commercial asbestos" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.
- (13) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.
- (14) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.
- (15) "Emergency renovation operation" means a renovation or operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or is necessary to protect equipment from damage. This term includes operations necessitated by nonroutine failures of equipment.
- (16) "Facility" means any:
- (A) school building;
  - (B) institutional, commercial, public, or industrial building or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
  - (C) ship; and

(D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to this article is included regardless of its current use or function.

(17) "Facility component" means any part of a facility, including equipment.

(18) "Friable asbestos material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*, that, when dry, can be crumbled, pulverized, or reduced to powder either by hand pressure or mechanical forces reasonably expected to act on the material. If the asbestos content is less than ten percent (10%) as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(19) "Fugitive source" means any source of emissions not controlled by an air pollution control device.

(20) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work area enclosure typically used for small scale asbestos stripping operations. Information on glove bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA) final rule on occupational exposure to asbestos (Appendix G to 29 CFR 1926.1101\*).

(21) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

(22) "HEPA filter" means a high efficiency particulate air filter capable of trapping and retaining at least ninety-nine and ninety-seven hundredths percent (99.97%) of all monodispersed particles of three-tenths (0.3) micrometers in diameter or larger.

(23) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

(24) "Inactive waste disposal site" means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the previous twelve (12) months.

(25) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control), including, but not limited to, a group of residential buildings being demolished as part of an urban renewal project or highway project.

(26) "Leak-tight" means that solids or liquids cannot escape or spill out. It also means dust-tight.

(27) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

(28) "Manufacturing" means the combining of commercial asbestos or, in the case of woven friction products, the combining of textiles containing commercial asbestos with any other materials, including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

(29) "Nonfriable asbestos-containing material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*, that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(30) "Nonscheduled renovation operation" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

(31) "Ordered demolition" means demolition of a facility under an order of a state or local governmental agency, issued because the facility is both structurally unsound and in danger of imminent collapse.

(32) "Outside air" means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

(33) "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

(34) "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

(35) "Planned renovation operations" means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual, nonscheduled operations are



included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

- (36) "Regulated asbestos-containing material (RACM)" means the following:
- (A) Friable asbestos material.
  - (B) Category I nonfriable ACM that has become friable.
  - (C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.
  - (D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials, including sheet vinyl flooring, resilient tile, and associated adhesives.

(37) "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

(38) "Renovation" means altering a facility or one (1) or more facility components in any way, including the stripping or removal of RACM from a facility component together with any related handling operation. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

(39) "Resilient floor covering" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent (1%) asbestos as determined using polarized light microscopy according to the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*.

(40) "Roadways" means surfaces on which vehicles travel. The term includes, among other surfaces, public and private highways, roads, streets, parking areas, and driveways.

(41) "Sanitary landfill" has the meaning set forth in 329 IAC 10-2-116.

(42) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

- (43) "School building" means the following:
- (A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.
  - (B) Any gymnasium or other facility at a school that is specifically designed for athletic or recreational activities for an academic course in physical education.
  - (C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.
  - (D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).
  - (E) Any portico or covered exterior hallway or walkway that is part of a school.
  - (F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(44) "Strip" means to take off RACM from any part of a facility or facility components.

(45) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

(46) "Visible emissions" means any emissions, which are visually detectable without the aid of instruments, emitted from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed uncombined water vapor.

(47) "Waste generator" means any owner or operator of a source covered by this article whose act or process produces asbestos-containing waste material.

(48) "Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

(49) "Work area" means the facility, room, or portion of a facility or room where an asbestos removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by either the plastic or poly which forms and surrounds the containment area, or demarcation by sign(s) or barrier tape, including, but not limited to, the glove bag operation area, is limited to those workers or supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the asbestos removal project.

(50) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C.

20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-2; filed Dec 5, 1990, 3:40 p.m.: 14 IR 609; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2013; filed May 12, 1998, 9:15 a.m.: 21 IR 3740*)

**326 IAC 14-10-3 Notification requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 3. Each owner or operator of a demolition or renovation activity to whom this section applies shall do the following:

(1) Provide the department with written notice of the intention to demolish or renovate on a form to be provided by the department and update such notice as necessary, including, but not limited to, the following:

(A) When the amount of affected RACM increases or decreases by at least twenty percent (20%).

(B) If there is a change in the following:

(i) Asbestos removal or demolition start date.

(ii) Removal or demolition contractor.

(iii) Waste disposal site.

(2) Postmark or deliver the notice as follows:

(A) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material if the operation is a demolition operation described in section 1(a) of this rule and the facility contains at least three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM on or off facility components.

(B) At least ten (10) working days before demolition begins if the operation is a demolition operation described in section 1(a) of this rule and the facility contains less than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM, on or off facility components, or there is no asbestos in the facility.

(C) As early as possible before demolition begins if the operation is an ordered demolition operation described in section 1(b) of this rule.

(D) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material, begins if the operation is a renovation operation described in section 1(c) of this rule.

(E) As early as possible before asbestos stripping or removal work begins, but not later than the following working day, if the operation is an emergency renovation operation described in section 1(d) of this rule.

(F) At least ten (10) working days before the end of the calendar year preceding the year for which notice is being given for planned renovation operations involving individual, nonscheduled operations described in section 1(e) of this rule.

(G) Delivery of the notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. A copy of the previous notification being revised shall be attached to the new, revised notification.

(H) In the case of a revised notice, a copy of the original notice shall be attached.

(3) Include the following information in the notice:

(A) An indication of whether the notice is the original, a revised, or cancelled copy, if applicable.

(B) Name, address, and telephone number of both the facility owner and operator, the asbestos removal contractor owner or operator, and the demolition contractor owner or operator.

(C) Type of operation:

(i) demolition;

(ii) demolition by intentional burning;

(iii) ordered demolition;

(iv) renovation;

(v) emergency renovation; or

(vi) planned nonscheduled renovation (annual notice).

(D) Description of the facility or affected part of the facility, including the size in square feet, number of floors, age, and present and prior use of the facility.

(E) Procedure, including analytical methods, employed to detect the presence and amount of RACM and Category I and Category II nonfriable ACM.

- (F) Estimate of the approximate amount of RACM to be removed in the facility in terms of linear feet of pipe, square feet on other facility components, total cubic feet on all facility components, or total amount on or off all facility components where the length or area could not be measured previously. Also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.
  - (G) Location and street address, including building number or name and floor or room number, if appropriate, city, county, and state of the facility being demolished or renovated.
  - (H) Scheduled starting and completion dates of asbestos removal project, as defined in section 2(7) of this rule, such as site preparation, that would break up, dislodge, or similarly disturb RACM in a demolition or renovation. Planned renovation operations involving individual, nonscheduled operations shall only include the beginning and ending dates of the report period as described in section 1(e) of this rule.
  - (I) For renovation operations, scheduled starting and completion dates of the renovation project.
  - (J) For demolition operations, scheduled starting and completion dates of the actual facility demolition.
  - (K) Description of planned demolition or renovation work to be performed and methods to be employed, including demolition or renovation techniques to be used and a description of the affected facility components.
  - (L) Description of work practices and engineering controls to be used to comply with this rule, including RACM removal and waste handling emission control procedures.
  - (M) Description of procedures to be followed in the event that unexpected RACM is found or Category I or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.
  - (N) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.
  - (O) A signed certification from the owner or operator that at least one (1) person trained as required by 40 CFR 61\*, Subpart M, §61.145, paragraph (c)(8) will supervise the stripping and removal described by this notification.
  - (P) A signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project.
  - (Q) For facilities described in section 1(b) of this rule, the name, title, and authority of the state or local governmental representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.
  - (R) For demolition and renovation projects described in section 1(a) through 1(e) of this rule, include the name, address, telephone number, and license number issued under 326 IAC 18 of the following:
    - (i) Person who inspected the facility for RACM.
    - (ii) Person who designed the asbestos removal project if RACM is present, if applicable.
    - (iii) Person who will implement the asbestos removal project if RACM is present.
  - (S) For emergency renovations described in section 1(d) of this rule, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition or would cause equipment damage.
  - (T) Name, address, and telephone number of the waste transporter.
- (4) When the stripping or removal of RACM in demolition or renovation operations described in section 1(a) and 1(c) of this rule will begin:
- (A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least five (5) working days or delivered at least two (2) working days before the start date of asbestos stripping or removal specified in the notification that is being revised; or
  - (B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked or delivered at least ten (10) working days before the start date of asbestos stripping or removal work begins.
- (5) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date later than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least:
- (A) five (5) working days; or
  - (B) delivered at least two (2) working days;
- before the start date of demolition specified in the notification that is being revised.
- (6) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will

begin on a date earlier than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least ten (10) working days before the start date of demolition.

(7) In no event shall RACM removal work (or any other activity, including site preparation that would break up, dislodge, or similarly disturb asbestos material) or demolition activities begin on a date other than the date contained in the most recent written notification.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-3; filed Dec 5, 1990, 3:40 p.m.: 14 IR 610; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2016; errata filed Apr 12, 1995, 3:30 p.m.: 18 IR 2261; filed May 12, 1998, 9:15 a.m.: 21 IR 3743*)

**326 IAC 14-10-4 Procedures for asbestos emission control**

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

Affected: IC 4-21.5-3-7; IC 13-15; IC 13-17

Sec. 4. Each owner or operator of a demolition or renovation activity to whom this section applies according to section 1 of this rule, shall comply with the following emission control procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. However, RACM need not be removed before demolition if the RACM meets any one (1) of the following requirements:

(A) It is Category I nonfriable ACM that:

- (i) is not in poor condition;
- (ii) is not friable; and
- (iii) will not become friable during demolition.

(B) It is on a facility component that:

- (i) is encased in concrete or other similarly hard material; and
- (ii) is adequately wet whenever exposed during demolition.

(C) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and must be adequately wet at all times until properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150\* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.].

(D) It is Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections, the following shall occur:

- (A) Adequately wet all RACM exposed during cutting or disjoining operations.
- (B) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation. In renovation operations, wetting is not required if the following occur:

- (A) The owner or operator has obtained prior written approval from the department based on a written application that wetting to comply with this subdivision would unavoidably damage equipment or present a safety hazard.
- (B) The owner or operator uses one (1) or more of the following emission control methods:
  - (i) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152\*.
  - (ii) A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.
  - (iii) Leak-tight wrapping to contain all RACM prior to dismantlement.

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- (C) In renovation operations where wetting would result in equipment damage or a safety hazard and the methods allowed in clause (B) cannot be used, another method may be used after obtaining written approval from the department based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in clause (B).
  - (D) A copy of the department's written approval shall be kept at the work site and made available for inspection.
  - (E) Denial by the department of prior written approval referenced in this subdivision may be appealed under IC 4-21.5-3-7.
- (4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections under subdivision (2), it shall be stripped or contained in leak-tight wrapping, except as described in subdivision (5). If stripped, perform either of the following:
- (A) Adequately wet RACM during stripping.
  - (B) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152\*.
- (5) For large facility components, such as reactor vessels, large tanks, and steam generators, but not beams, that must be handled in accordance with subdivisions (2) through (4), the RACM is not required to be stripped if the following requirements are met:
- (A) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.
  - (B) The component is encased in a leak-tight wrapping.
  - (C) The leak-tight wrapping is labeled according to 40 CFR 61.149(d)(1)(i)\*, 40 CFR 61.149(d)(1)(ii)\*, and 40 CFR 61.149(d)(1)(iii)\* during all loading and unloading operations and during storage.
- (6) For all RACM, including material that has been removed or stripped, the following requirements must be met:
- (A) Adequately wet the material and ensure that it remains wet until collected and contained or treated for disposal and is disposed of in accordance with 40 CFR 61.150\* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.] (RACM shall be adequately wet throughout all stages of disposal).
  - (B) Carefully lower the materials to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.
  - (C) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than fifty (50) feet above ground level and was not removed as units or in sections.
  - (D) RACM contained in leak-tight wrapping that has been removed in accordance with subdivision (3)(B)(iii), (4), or (7)(B)(ii)(CC) (leak-tight wrapping to contain all RACM prior to dismantlement) need not be wetted.
- (7) When the temperature at the point of wetting is below zero degrees Celsius (0°C) (thirty-two degrees Fahrenheit (32°F)), the owner or operator must proceed with both of the following:
- (A) Remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.
  - (B) During periods when wetting operations are suspended due to freezing temperatures, the following requirements must be met:
    - (i) Record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the department at the demolition or renovation site and retain the temperature records for at least two (2) years.
    - (ii) Use one (1) or more of the following emission control methods:
      - (AA) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR 61.152\*.
      - (BB) A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.
      - (CC) Leak-tight wrapping to contain all RACM prior to dismantlement.
- (8) For facilities described in section 1(b) of this rule undergoing an ordered demolition, adequately wet the portion of the facility that contains RACM and suspect RACM during the wrecking cleanup, disposal, and related handling operations.
- (9) Upon completion of stripping and removal operations for demolition projects described in section 1(a) of this rule and renovation projects described in section 1(c) through 1(f) of this rule, collect visible contamination of asbestos by employing

one (1) or both of the following cleaning procedures:

(A) Vacuum all surfaces in the work area using a vacuum equipped with a HEPA filter and remove all standing water.

(B) Wet wipe or wet mop all surfaces in the work area and remove all standing water.

(10) Upon completion of the cleanup requirements identified in subdivision (9), an Indiana licensed supervisor, prior to the removal of the warning signs or other demarcation of the work area, shall perform a final visual inspection of the work area for visible suspect RACM debris. If visible suspect RACM debris is discovered, then the requirements of subdivision (9) shall be repeated until all visible suspect RACM debris has been removed. Upon completion of the above, the licensed supervisor shall certify in writing that the final visual inspection was completed and the work area is free of all visible suspect asbestos debris. This certification shall also include the date of the final visual inspection, the location of the asbestos removal project, and the licensed supervisor's signature. The certification shall be retained by the contractor for a period of at least three (3) years from the date of the final visual inspection and must be made available upon request from the department. A copy of the certification shall also be sent to the building owner.

(11) For any RACM or suspect RACM, the following requirements must be met:

(A) Any stripped, disturbed, or removed friable asbestos materials that are in a leak-tight wrapping and left at a facility or stored elsewhere prior to disposal must be securely stored in a manner that restricts access by unauthorized persons to the material. The material must be stored in locked containers, rooms, trucks, or trailers. Asbestos warning signs or labels must be prominently displayed on the door of the locked containers, rooms, trucks, or trailers. If such secure areas are not available, other security measures must be employed, including the use of barriers, security guards, or other measures approved by the department. Asbestos warning labels must be posted in all areas where asbestos is stored.

(B) When an ongoing asbestos project is interrupted for any nonemergency situation, all RACM that was disturbed, stripped, or removed must be wetted and placed into leak-tight wrapping and stored in a manner consistent with clause (A). If the RACM that was stripped, disturbed, or removed is not, or cannot be, collected and placed into leak-tight wrapping and stored during the abatement interruption, a licensed Indiana worker or supervisor must remain at the job site to prevent unauthorized persons from entering the work area. Asbestos warning signs or labels must be posted on all entrances and exits to the work area.

(12) If a facility is demolished by intentional burning, all RACM, including Category I and Category II nonfriable ACM, must be removed in accordance with this rule before burning. Asbestos-containing material may not be burned.

(13) No asbestos removal project shall be implemented at a facility regulated by this rule unless at least one (1) Indiana licensed asbestos project supervisor, trained in the provisions of this rule and 40 CFR 61, Subpart M\*, and the means of complying with them, is present on-site in the work area during the asbestos removal project. Every year, the Indiana licensed project supervisor shall receive refresher training from an Indiana approved asbestos project supervisor course as provided for in 326 IAC 18 and 40 CFR 61, Subpart M\*. The required training shall include, as a minimum, the following:

(A) Applicability.

(B) Notifications.

(C) Material identification.

(D) Control procedures for removals, including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove bag procedures, and high efficiency particulate air (HEPA) filters.

(E) Waste disposal work practices.

(F) Reporting and record keeping.

(G) Asbestos hazards and worker protection.

Evidence that the required training has been completed shall be posted and made available for inspection by the department at the demolition or renovation site.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-4; filed Dec 5, 1990, 3:40 p.m.: 14 IR 611; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2018; filed May 12, 1998, 9:15 a.m.: 21 IR 3745*)

### **326 IAC 14-10-5 Demolition/renovation fees**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 5. (a) An owner or operator of a facility subject to this rule shall pay a fee for each project for which a notification is required under section 1 of this rule as follows:

(1) For stripping and removal operations involving greater than or equal to two thousand six hundred (2,600) linear feet of friable asbestos containing materials on pipes, one thousand six hundred (1,600) square feet of friable asbestos containing materials on other facility components, or four hundred (400) cubic feet of friable asbestos containing materials on or off all facility components, the owner or operator shall pay a fee of one hundred fifty dollars (\$150).

(2) For stripping and removal operations involving less than two thousand six hundred (2,600) linear feet of friable asbestos containing materials on pipes, one thousand six hundred (1,600) square feet of friable asbestos containing materials on other facility components, or four hundred (400) cubic feet of friable asbestos containing materials on or off all facility components, the owner or operator shall pay a fee of fifty dollars (\$50).

(b) The department shall bill the owner or operator who submits notifications pursuant to section 1 of this rule on a quarterly basis as determined by the number of notifications received during the previous quarter. Fees shall be paid by mail or in person and shall be paid upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management" no later than thirty (30) days after receipt of billing. (*Air Pollution Control Board; 326 IAC 14-10-5; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607*)

**ARTICLE 15. LEAD RULES**

**Rule 1. Lead Emission Limitations**

**326 IAC 15-1-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to stationary sources listed in section 2 of this rule. (*Air Pollution Control Board; 326 IAC 15-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1850; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2372; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1604*)

**326 IAC 15-1-2 Source-specific provisions**

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

Affected: IC 13-17

Sec. 2. (a) The sources listed below shall comply with the following emission and operating provisions:

<u>Source</u>	<u>Facility Description</u>	Emission Limitation
		<u>lbs./hr.</u>
(1) Refined Metals of Indianapolis	M-1 baghouse stack <sup>1</sup>	0.91
	M-2 baghouse stack <sup>1</sup>	0.15
	M-3 baghouse stack <sup>1</sup>	0.15
	M-4 baghouse stack <sup>1</sup>	0.30

<sup>1</sup>Compliance shall be achieved on or before April 30, 1992.

(A) On or before June 1, 1987, Refined Metals of Indianapolis shall install and operate hooding systems for the blast furnace skip hoist and charging area, the blast furnace slag and lead tapping area, the casting area, the refining kettles, and the lead dust furnace charging area.

(B) The hooding systems required for the operations listed in clause (A) shall vent the emissions through a control device to one (1) of the four (4) stacks, M-1 through M-4.

(C) On or before June 1, 1987, Refined Metals of Indianapolis shall also install and operate enclosed screw conveyors to transport lead flue dusts to the lead dust furnace. There shall be no visible emissions from the screw conveyors. Compliance shall be determined by 40 CFR 60, Appendix A, Method 22\*\*.

(D) The buildings housing the blast furnace, dust furnace, and materials storage shall be kept under continuous negative pressure by constant flow rate fans ducted to control devices.

(E) The company shall install and operate a continuous monitoring system to measure and record pressure differential to ensure that the materials storage building and the blast/dust furnace area are maintained under negative pressure while the plant is in operation. The monitoring system shall be located on the north wall of the materials storage building. It shall consist of a differential pressure sensor/transmitter, a processor, and a recording device. This system shall produce valid data ninety-five percent (95%) of the time when the plant is operating. Data generated by this monitoring system shall be kept available for inspection at the site for a period of two (2) years.

(F) The blast furnace and the dust furnace fugitive emissions shall be drawn from the enclosure by a constant flow rate fan to a control device. The control device shall vent to the atmosphere through the M-4 baghouse stack which shall be at least eighty (80) feet in height from ground level.

(G) Visible emissions from the M-1, M-2, M-3, and M-4 baghouse stacks shall not exceed a six (6) minute average of five percent (5%) opacity for each stack as determined in accordance with 40 CFR 60, Appendix A, Method 9\*\*.

(H) Visible emissions from building openings such as doors and windows shall not exceed a three (3) minute average of three percent (3%) opacity. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(I) Refined Metals of Indianapolis shall install and operate continuous opacity monitoring systems in the M-1 and the M-4 baghouse stacks or in the ductwork leading to those stacks. COMS data shall be used to determine compliance with the five percent (5%) opacity limit required by clause (G). The COMS shall meet the performance and installation requirements of 40 CFR 60, Appendix B, Performance Specification 1\*\*. The company shall also comply with the following:

(i) A complete written standard operating procedure (SOP) for COMS shall be submitted to the department for approval. The department shall complete the review of the COMS SOP within sixty (60) days of submittal. The COMS SOP shall contain, at minimum, complete step-by-step procedures for the following:

(AA) Calibration procedures.

(BB) Operation procedures.

(CC) Preventive maintenance procedures.

(DD) Quality control and quality assurance (QA) procedures.

(EE) Record keeping and reporting procedures.

(ii) The company shall perform quarterly COMS performance audits and notify the department fourteen (14) days in advance of each audit. The company shall submit quarterly COMS QA reports to the department within thirty (30) days following the end of the quarter. Each report shall summarize performance audit results and provide an explanation for periods of time during the quarter when valid data was not collected.

(iii) COMS excess emission reports shall be submitted to the department within thirty (30) days following the end of each calendar quarter. These reports shall contain, at minimum, the following:

(AA) The operating time of the monitored facilities.

(BB) The date and time each COMS recorded opacity measurements above the five percent (5%) opacity limit.

(CC) The date and time each COMS was inoperative or malfunctioning.

(DD) A description of the nature and cause of any excess emissions.

(J) Refined Metals of Indianapolis shall achieve compliance with clauses (D) through (I) by March 1, 1994. In the event that the plant is idle on March 1, 1994, compliance with clauses (D) through (I) shall be achieved by the date the plant resumes production. Refined Metals shall notify the department thirty (30) days before production resumes to enable the department to make a compliance determination.

(K) Refined Metals of Indianapolis shall perform a stack test on the M-1, M-2, M-3, and M-4 baghouse stacks and demonstrate compliance with this subdivision by June 30, 1992. All subsequent stack tests shall be conducted utilizing the methodologies of 40 CFR 60, Appendix A, Methods 1, 2, 3, 4, 5, and 12\*\*.

(L) Any violation of the National Ambient Air Quality Standards (NAAQS) shall result in an investigation by Refined Metals to determine the cause of the violation. Such an investigation shall be completed within ninety (90) days after the date the violation is confirmed. Refined Metals shall provide a corrective action plan to the department for approval within ninety (90) days of the confirmation of the violation. The plan shall specify the actions required to continuously meet the NAAQS. Refined Metals shall implement the plan upon approval by the department. The department may



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require a cessation in production, if needed, to assure continuous attainment of the NAAQS.

(2)	Chrysler Corporation Foundry, Indianapolis	Cupola stack Cupola fugitive	0.550 1.894
(3)	Delco Remy Division of General Motors Corporation, Muncie	Lead oxide mfg. stack (each of 5) Oxide grinder stack (each of 2) *Central tunnel system stack (each of 4) Reverberatory furnace stack O.S.I. drying oven stack (each of 4) Electric melting pot stack	0.068 0.123 0.254 0.225 0.0015 0.159

\*On or before June 1, 1987, Delco Remy shall install ductwork to vent emissions from the vacuum cleaning lines through the control devices and stacks serving the Central Tunnel System.

(4)	Indiana Oxide Corporation, Brazil	Barton #1 reactor Barton #2 reactor Barton #3 reactor Barton #4 reactor Rake furnace Kiln #2 *Franklin reactor	0.215 0.215 0.215 0.215 0.006 0.002 0.603
-----	--------------------------------------	----------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------

\*Shall not operate more than 670 hours per quarter.

(5)	U.S.S. Lead Refinery, East Chicago	*Blast furnace stack *Blast furnace fugitive Charging Lead tapping Slag tapping *Refining kettles fugitive *Casting fugitive *Reverberatory furnace fugitive	0.002  2.922 0.002 0.005 0.0001 0.393 0.345
-----	---------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------

\*Shall not operate more than 334 hours per quarter.

(6)	Hammond Lead Products, Inc., HLP-Lead Plant	Stack 4A-S-8 Stack 14-S-16 Stack 1-S-2 Stack 1-S-26 Stack 16-S-56 Stack 1-S-52 Stack 1-S-27 Stack 4-S-35 Stack 6-S-33 Stack 4B-S-34 Stack 6-S-47 Stack V-1 Stack V-11	0.053 0.053 0.053 0.053 0.200 0.070 0.020 0.090 0.070 0.080 0.021 0.090 0.006
-----	------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------

(A) The ventilator control system (Stack V-1) shall consist of a fan with a constant flow rate that draws air from the building through a HEPA filter which vents to the atmosphere through a stack. The HEPA filters shall be maintained and operated in order to achieve maximum control efficiency. In addition to the requirements contained in subsection (c), Hammond Lead Products, Inc. shall submit an operation and maintenance plan by July 31, 1990, which incorporates

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good housekeeping practices for the ventilator control systems. This operation and maintenance plan shall be incorporated into the operating permits for Hammond Lead Products, Inc. and submitted to U.S. EPA as a revision to Indiana's lead state implementation plan by December 31, 1990. The ventilator control systems shall be designed such that process fugitive emissions will not routinely escape the buildings except as vented through the ventilator control systems. The compliance test method specified in section 4(a) of this rule shall be used to determine compliance with the emission limitations for the ventilator control system stacks.

(B) By December 31, 1989, the stack heights for all processes except Stack 16-S-56, Stack 1-S-52, and the ventilator control systems shall be no less than sixty (60) feet above grade; the stack heights for Stack 16-S-56 and Stack 1-S-52 shall be no less than eighty-two (82) feet above grade; and the stack height for Vent 11 shall be no less than thirty-five (35) feet above grade. By July 31, 1990, the stack heights for the other ventilator control systems shall be no less than sixty (60) feet above grade.

(C) Hammond Lead Products, Inc. shall install HEPA filters according to the following schedule:

Stack 4A-S-8	March 31, 1992
Stack 14-S-16	June 30, 1992
Stack 1-S-2	December 31, 1991
Stack 1-S-26	September 30, 1992
*Stack 16-S-56:	
130 bag filter	November 20, 1989
100 bag filter	December 6, 1989
80 bag filter	June 1, 1989
72 bag filter	December 31, 1991
Stack 1-S-52	December 31, 1989
Stack 1-S-27	August 15, 1987
Stack 4-S-35	October 16, 1989
Stack 6-S-33	July 22, 1988
Stack 4B-S-34	October 5, 1989
Stack 6-S-47	May 26, 1988

\*Four (4) bag filters are vented through common Stack 16-S-56.

(D) Hammond Lead Products, Inc. shall provide written notification to the commissioner within three (3) days after the installation of HEPA filters is completed at each of the sites listed in clause (A).

(E) All emissions limitations in this subdivision shall be met by December 31, 1992.

(F) This subdivision shall be submitted to the U.S. EPA as a revision to the Indiana state implementation plan.

(7)	Hammond Group-Halstab Division	Stack S-1	0.04
		Stack S-2	0.03
		Stacks S-4, S-5 (each)	0.07
		Stacks S-6, S-7, S-8 (each)	0.05
		Stacks S-9, S-10, S-11 (each)	0.04
		S-12, S-13 (each)	0.04
		S-14, S-15, S-16 (each)	0.04
		Stacks S-17, S-21 (each)	0.07

(A) Hammond Group-Halstab Division shall install and maintain one (1) baghouse with laminated filters followed by one (1) HEPA filter in series with the baghouse on each of stacks S-1, S-2, S-4 through S-17, and S-21.

(B) Hammond Group-Halstab Division shall submit a proposed ambient monitoring and quality assurance plan within thirty (30) days of the effective date of this rule.

(C) Hammond Group-Halstab Division shall commence ambient monitoring within thirty (30) days of the department's approval of the proposed ambient monitoring and quality assurance plan.

(D) Hammond Group-Halstab Division shall conduct a minimum of twenty-four (24) months of monitoring for lead.

The monitoring shall be:

- (i) performed using U.S. EPA-approved methods, procedures, and quality assurance programs; and
- (ii) in accordance with the ambient monitoring and quality assurance plan as approved by the department.

(E) The requirement to monitor shall expire twenty-four (24) months from the commencement date of the monitoring provided the monitored values, averaged over a calendar quarter, do not exceed eighty percent (80%) of the National Ambient Air Quality Standards (NAAQS) level for lead in any quarter during twenty-four (24) months.

(F) If the monitored values averaged over a calendar quarter exceed eighty percent (80%) of the NAAQS level for lead during the twenty-four (24) month period, monitoring shall be continued until eight (8) continuous quarters of monitored values do not exceed eighty percent (80%) of the NAAQS level for lead.

(G) If the monitored values, averaged over a calendar quarter, exceed eighty percent (80%) of the NAAQS level for lead for two (2) or more continuous quarters, the department and Hammond Group-Halstab Division shall analyze and assess causes of the emissions and determine whether changes to control requirements or operating practices are appropriate.

(b) In addition to the sources listed in subsection (a), the following sources shall comply with subsection (c) and section 3 of this rule:

- (1) Exide Corporation, Logansport.
- (2) C & D Batteries, Attica.
- (3) Exide Corporation, Frankfort.

(c) Operation and maintenance programs shall be designed to prevent deterioration of control equipment performance. For sources listed in subsection (a)(1) through (a)(7), these programs shall be submitted to the department of environmental management, office of air management, on or before June 1, 1987. For sources listed in subsection (b), these programs shall be submitted to the office of air management on or before February 1, 1988. These programs will be incorporated into the individual source operation permits.

*\*\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015. (Air Pollution Control Board; 326 IAC 15-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; errata filed Jul 6, 1988, 1:00 p.m.: 11 IR 3921; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1850; filed Aug 8, 1991, 10:00 a.m.: 14 IR 2203; filed Dec 17, 1992, 5:00 p.m.: 16 IR 1379; errata filed Mar 10, 1993, 5:00 p.m.: 16 IR 1832; filed Mar 28, 1994, 5:00 p.m.: 17 IR 1878; errata, 17 IR 2080; filed May 31, 1994, 5:00 p.m.: 17 IR 2233; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2356; filed Jan 6, 1999, 4:23 p.m.: 22 IR 1427; filed Dec 1, 2000, 2:22 p.m.: 24 IR 954; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 15-1-3 Control of fugitive lead dust**

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

Affected: IC 13-11; IC 13-17

Sec. 3. All sources listed in section 2 of this rule shall comply with the following requirements:

(1) No source shall create or maintain outdoor storage of bulk materials containing more than one percent (1.0%) lead by weight of less than two hundred (200) mesh size particles.

(2) All materials containing more than one percent (1.0%) lead by weight of less than two hundred (200) mesh size particles shall be transported in closed containers or shall be transported by enclosed conveying systems that are vented to the atmosphere through particulate matter control equipment or shall be transported wet.

(3) Control programs shall be designed to minimize emissions of lead from all nonprocess fugitive emission points. The programs shall include good housekeeping practices for the cleanup of spills and for minimizing emissions from loading and unloading areas as applicable. For sources listed in section 2(a) of this rule, these programs shall be submitted to the department of environmental management, office of air management, on or before June 1, 1987. For sources listed in section 2(b) of this rule, these programs shall be submitted to the department of environmental management, office of air management, on or before February 1, 1988. These programs will be incorporated into the individual source operation permits.

*(Air Pollution Control Board; 326 IAC 15-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2566; errata filed Jul 6, 1988, 1:00 p.m.: 11 IR 3921; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1853; filed Dec 1, 2000, 2:22 p.m.: 24 IR 958; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 15-1-4 Compliance**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7

Sec. 4. (a) Determination of compliance with the lead emission limitations established pursuant to section 2 of this rule shall be made in accordance with the procedures outlined in 40 C.F.R. 60, Appendix A, Method 12,\* and 326 IAC 3-2 [326 IAC 3-2 was repealed filed Aug 2, 1990, 4:50 p.m.: 14 IR 81.], Source Sampling Procedures.

(b) Those sources having restricted operating hours specified in section 2 of this rule shall be as follows:

(1) Maintain logs indicating hours of operation each day.

(2) Submit quarterly summaries of operating logs to the department of environmental management, office of air management, before the end of the month following the completed quarter.

\*Copies of the Code of Federal Regulations (C.F.R.) 60 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402, or from the Department of Environmental Management, Office of Technical Assistance, 105 South Meridian Street, Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 15-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2567; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**ARTICLE 16. STATE ENVIRONMENTAL POLICY**

**Rule 1. Environmental Assessment; Activities of State Agencies**

**326 IAC 16-1-1 General authority**

Authority: IC 13-1-10-3; IC 13-7-7

Affected: IC 13-1-10-3

Sec. 1. IC 13-1-10-3 authorizes and directs that, to the fullest extent possible, all agencies of the state shall include in every recommendation or report on proposals for legislation and other "major state actions significantly affecting the quality of the human environment," a detailed statement on:

(1) the environmental impact of the proposed action;

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposed action;

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) any irreversible and irretrievable commitments of resources which would be involved if the proposed actions should be implemented.

IC 13-1-10-3 further provides that the air pollution control board shall, by rule, define which actions constitute a "major state action significantly affecting the quality of the human environment." (*Air Pollution Control Board; 326 IAC 16-1-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2567; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 16-1-2 Purpose**

Authority: IC 13-1-10-3; IC 13-7-7

Affected: IC 13-1-10-3

Sec. 2. The purpose of this rule (326 IAC 16-1) is to designate which actions are within the scope of IC 13-1-10-3 and in particular which actions constitute a major state action significantly affecting the quality of the human environment, and to provide an environmental assessment form to assist in that determination. (*Air Pollution Control Board; 326 IAC 16-1-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2567; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 16-1-3 Applicability; exemptions**

Authority: IC 13-1-10-3; IC 13-7-7

Affected: IC 13-1-10

Sec. 3. (a) This rule (326 IAC 16-1) applies to all state agencies.

(b) Each agency of the state shall comply with this rule (326 IAC 16-1) unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

(c) IC 13-1-10-7 provides that the "(P)olicies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of state agencies." Accordingly, each agency shall interpret the provisions of IC 13-1-10-7 and this rule (326 IAC 16-1) as a supplement to its existing authority and as a mandate to view traditional policies in the light of the chapter's (IC 13-1-10) environmental objectives.

(d) "Actions" covered include but are not limited to:

- (1) agency legislative proposals;
- (2) new and continuing projects and program activities directly undertaken by the agency or supported in whole or in part through state contracts, grants, subsidies, loans or other forms of funding assistance;
- (3) the making, modification, or establishment of rules.

(e) Actions exempted:

- (1) administrative procurements (e.g., general supplies);
- (2) contracts for consulting services;
- (3) personnel actions;
- (4) repair or maintenance of existing structures or facilities involving no expansion;
- (5) basic data collection, research and experimental management and resource evaluation activities which do not result in a significant disturbance to the environment.

(f) Categorical exemptions:

(1) Minor actions. Each agency may submit to the department of environmental management for approval a list of those actions which it considers to be minor in nature and, therefore, categorically exempted. Only those actions on the lists shall be so exempted.

(2) Emergency actions. Those actions necessitated by a sudden unexpected occurrence which demands immediate action to mitigate loss or damage to life, health, property or essential public services shall be exempted.

(g) Statutory exemptions:

(1) The issuance of a license or permit by any agency of the state, as exempted by IC 13-1-10-6.

(2) IC 13-1-10-8 provides "(A)ny state agency that is required by the National Environmental Policy Act (P.L. 91-190) to file a federal environmental impact statement shall not be required to file a statement with the state government as provided under sections 3 and 4 (IC 13-1-10-3 and IC 13-1-10-4) of this chapter, unless the action contemplated requires state legislation or state appropriations."

*(Air Pollution Control Board; 326 IAC 16-1-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2567; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

#### **326 IAC 16-1-4 General considerations for preparing environmental assessment forms**

Authority: IC 13-1-10-3; IC 13-7-7

Affected: IC 13-1-10

Sec. 4. It is not within the scope of this rule (326 IAC 16-1) to identify before the fact which major state agency actions significantly affect the quality of the human environment. The specific determination must be developed for each agency action by preparation of an environmental assessment as set forth in 326 IAC 16-1-5.

(b) In preparing the assessment both primary and secondary consequences of short term and long term duration should be considered by the agency, since many State actions stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities.

(c) The effect of many state decisions about a project or complex of projects may be individually limited but can be cumulatively considerable in affecting the environment.

(d) A proposed action which is likely to be highly controversial from an environmental standpoint should be considered significant justification for preparation of an environmental impact statement. *(Air Pollution Control Board; 326 IAC 16-1-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2568; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 16-1-5 Environmental assessment form**

Authority: IC 13-1-10-3; IC 13-7-7

Affected: IC 13-1-10

Sec. 5. The environmental assessment form:

This form is provided to assist in determining whether a proposed action could have significant adverse effect on the quality of the human environment and thus require an environmental impact statement.

AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_

ACTION IDENTIFICATION \_\_\_\_\_

PREDICTED DATES: Commencement \_\_\_\_\_

Completion \_\_\_\_\_

PROJECTED COST \_\_\_\_\_

PREPARING BODY (i.e. Agency, Grantee, Contractor) \_\_\_\_\_

**I. Background Information**

1. Give a brief description of the proposed action(s) and describe how your agency is involved in the action.
2. Describe the geographical area or areas which will be affected by the action(s), including distinguishing natural and man-made characteristics and a brief description of the present use of the area or areas.

**II. Assessment of Environmental Impact**

Answer the following questions by placing a check in the appropriate space, consider both short and long term impact. Wherever "Yes" is checked, indicate on the lines below the question the nature of the effect.

	Short	Long		
	Term	Term		
Yes	No	Yes		
	No			

1. Could the action(s) adversely affect the use of a recreational area or area of important aesthetic value?    \_\_\_ \_\_\_ \_\_\_ \_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Are any of the natural or man-made features which may be affected in the area(s) unique, that is, not found in other parts of the state or nation?    \_\_\_ \_\_\_ \_\_\_ \_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Could the action(s) adversely affect an historical or archaeological structure or site?    \_\_\_ \_\_\_ \_\_\_ \_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Could the action(s) adversely affect fish, wildlife, or plant life?    \_\_\_ \_\_\_ \_\_\_ \_\_\_

\_\_\_\_\_

\_\_\_\_\_

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5. Have any fish, mammals or plant species on the rare or endangered list been sighted in the affected area(s)?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will those sighted be adversely affected?

\_\_\_\_\_

\_\_\_\_\_

6. Could the action(s) change existing features of any of the state's fresh waters or wetlands?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Could the action(s) change existing features of any of the state's beaches?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Could the action(s) result in the elimination of significant acreage of land presently utilized for agricultural or forestry purposes?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Will the action(s) require certification, authorization or issuance of a permit by any local, state or federal environmental control agency?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Will the action(s) involve the application, use or disposal of potentially hazardous materials?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Will the action(s) involve construction of facilities in a flood plain?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Could the action(s) result in the generation of a significant level of noise?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Could the action(s) result in the generation of significant amounts of dust?    \_\_\_    \_\_\_    \_\_\_    \_\_\_

\_\_\_\_\_

\_\_\_\_\_

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14. Could the action(s) result in a deleterious effect on the quality of the air?            

\_\_\_\_\_

15. Could the action(s) result in deleterious effect on the quality or quantity of any portion of the state's water resources? (If yes, indicate whether surface, ground-water, offshore.)            

\_\_\_\_\_

16. Could the action(s) affect an area of important scenic value?            

\_\_\_\_\_

17. Could the action(s) result in increased congestion and/or traffic in an already congested area or an area incapable of absorbing increase?            

\_\_\_\_\_

18. Could the action(s) require a variance from or result in a violation of any statute, ordinance, by-law, regulation or standard, the major purpose of which is to prevent or minimize damage to the environment?            

\_\_\_\_\_

19. Could the action(s) result in any form of adverse environmental impact not included in the above questions? (If yes, identify the impacted resource or area.)            

\_\_\_\_\_

III. Statement of No Significant Environmental Effects

A "Yes" answer in the "Long Term" column in section II indicates that the action may cause significant environmental impact, and that an EIS will probably be required. If you have answered "Yes" to any of the questions, the effect of which is not clearly beneficial, but still think the action will cause no significant adverse environmental impact indicate your reasons below.

IV. Conclusions

Place a check in the appropriate box.

1. ( ) It has been determined that the action will not cause a significant adverse environmental impact. No EIS will be prepared.

2. ( ) It has been determined that the action may cause a significant adverse environmental impact. An EIS will be prepared by

\_\_\_\_\_  
(approximate date)  
Signature of Preparing Officer \_\_\_\_\_



Title \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

*(Air Pollution Control Board; 326 IAC 16-1-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2568; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 2. Environmental Impact Statement; Activities of State Agencies**

**326 IAC 16-2-1 Purpose**

Authority: IC 13-7-7; IC 13-7-16-4  
Affected: IC 13-7-16-4

Sec. 1. It is the purpose of this rule (326 IAC 11-2) to outline reporting procedures which will assure environmental quality review of state agency plans or activities which affect or may affect the environment of the state, prior to final adoption or implementation of such plans or activities. *(Air Pollution Control Board; 326 IAC 16-2-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2570; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 16-2-2 Definitions**

Authority: IC 13-7-7; IC 13-7-16-4  
Affected: IC 13-1-3-1.5; IC 13-7-1; IC 13-7-16-4

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 326 IAC 1, the following apply:

“State agency, department or institution” means any department, board, commission, bureau, or council created by the legislature having statewide jurisdiction, the operation of which is financed from appropriations of the general assembly. Local government units at the town, city, township, or county level are not included. In addition, the Indiana Arterial Road and Street Board is not included, insofar as its approval of local governmental unit street and road projects is concerned.

“Plans or activities which may affect the environment” means a major state action significantly affecting the environment as determined by the application of 326 IAC 16-1.

“Report” means an environmental assessment or an environmental assessment followed by an environmental impact statement as further herein defined.

“Environmental assessment” means a cursory assessment of the probable environmental effect of a proposed action, determined in accordance with the provisions of 326 IAC 16-1.

“Environmental impact statement” means a detailed report on the environmental impact of a proposed action, listing adverse environmental effects which cannot be avoided should the action be implemented, alternatives to the proposed action, any irreversible and irretrievable commitments of resources which would be involved, the growth-inducing aspects of the proposed action, effects of the proposed action on the use and conservation of energy resources, the rationale for selecting the final proposed action, and other information as further herein specified. *(Air Pollution Control Board; 326 IAC 16-2-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2570; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 16-2-3 Environmental assessment; environmental impact statement**

Authority: IC 13-1-10-3; IC 13-7-7  
Affected: IC 13-1-10-2; IC 13-1-10-3; IC 13-7-16-4

Sec. 3. (a) Environmental Assessment. As early as possible in the formulation of a proposal for an agency action that is not either a statutory exemption or a categorical exemption approved by the board, an environmental assessment will be prepared by the agency in accordance with 326 IAC 16-1 and submitted to the department of environmental management. If it is found by the agency that the proposed action will significantly affect the environment, an environmental impact statement (EIS) will be prepared by the agency. A finding to the contrary will negate the need for an EIS. In this case, the environmental assessment shall constitute the final report to the department as required pursuant to IC 13-7-16-4.

(b) Environmental Impact Statement:

(1) Purpose: The purpose of an environmental impact statement is to relate environmental considerations to the inception of

the planning process, to examine alternative means of achieving the intended purpose of the proposed action, to inform the public and other public agencies as early as possible about proposed actions that may significantly affect the quality of the environment, and to solicit comments which will assist the agency in the decision-making process in determining the environmental consequences of the proposed action.

(2) Content and Format:

(A) Description and Purpose of Proposed Action: This section should describe the purpose and necessity of the proposed action, as well as any land disturbing activities, the structures contemplated, action phasing, and any other resultant changes to the environment caused either directly or indirectly by the proposed action. A statement should also be made on the relationship of the proposed action to present zoning and land use and also to future land use plans. In addition, the method for minimizing any adverse effects due to construction, or its phasing, should be described.

- (i) Purpose (use) and objective.
- (ii) Structures or other alterations to the natural environment.
- (iii) Number of employees and anticipated visitors.
- (iv) Land disturbing activities.
- (v) Phasing of action.

(B) Listing of Alternatives: This section should list alternatives as to size, location, etc. "No Action" shall be listed as an alternative. Completion of clause (C) through (K) shall be accomplished for each alternative.

(C) Present Characteristics: This section should be used to describe the physical characteristics, population, vegetation, and habitation of the area directly affected and the general area surrounding the proposed action. If the area affected is similar to the surrounding area, one description would be sufficient. Most detail should be given to those aspects of the environment most affected by the proposed action. Less detail can be given to the other aspects.

- (i) Area directly affected by proposed acquisitions, development, etc.
  - (AA) Location, Size, and Dimensions.
  - (BB) Existing Development and Prior Man-made Alterations to the Natural Environment.
  - (CC) Population.
  - (DD) Physical Characteristics.
    - (aa) Topography.
    - (bb) Hydrology (Including drainage characteristics).
    - (cc) Geology.
    - (dd) Soils.
    - (ee) Landforms.
  - (EE) Natural Vegetation.
    - (aa) Types.
    - (bb) Density.
    - (cc) Use.
  - (FF) Wildlife/Aquatic Life.
    - (aa) Types.
    - (bb) Density.
  - (GG) Other Attributes.
    - (aa) Historical areas.
    - (bb) Geological formations.
    - (cc) Archeological sites.
    - (dd) Other.
- (ii) Area Surrounding Proposed Site of Action.
  - (AA) Existing Development and Prior Man-made Alterations to the Natural Environment.
  - (BB) Physical Characteristics.
  - (CC) Population.
  - (DD) Natural Vegetation.
  - (EE) Wildlife/Aquatic Life.
  - (FF) Other Attributes.

(D) Growth Inducement Aspects: This section should describe the potentiality and probability of the proposed action

to induce or reduce growth in the area which might not otherwise occur, both short and long-term. The impact of these aspects should be included in clause (E).

(E) Impact of Proposed Action on Human and Natural Environment: In this section, all effects that the action may have on both the human and natural environment should be described. It should be indicated whether the effects will be local, regional, or statewide in nature. List separately the effects caused by the proposed action alone and the effects caused by the growth inducement aspects of the proposed action. Effects should be quantified wherever possible and compared with existing conditions and applicable standards.

- (i) Effect on Human Population.
  - (AA) Physical.
    - (aa) Noise.
    - (bb) Visual.
      - (1) Changes to natural environment.
      - (2) Proposed structures.
  - (cc) Air Pollution.
  - (dd) Water Pollution.
    - (1) Surface water.
    - (2) Ground water.
  - (BB) Social.
    - (aa) Displacement.
    - (bb) Disruption of Community and/or Neighborhood.
- (ii) Effect on Natural Environment.
  - (AA) Land form and/or Water Bodies.
    - (aa) Erosion.
    - (bb) Drainage.
  - (BB) Natural Vegetation.
  - (CC) Wildlife/Aquatic Life Habitats.
  - (DD) Cultural Facilities.
    - (aa) Historical sites.
    - (bb) Archaeological sites.
    - (cc) Recreational sites or opportunities.
    - (dd) Scenic qualities.

(F) Adverse Effects Which Cannot be Avoided: This section should specifically identify those effects listed in clause (E) which may be adverse to the human and natural environment and cannot be avoided. These are distinguished from adverse effects which can be avoided by utilizing certain construction or other techniques.

(G) Measures Proposed to Mitigate Adverse Effects of the Action: This section is intended to describe the measures to be taken to mitigate adverse effects identified under clause (E) and not listed under clause (F). The description should include an evaluation as to the reduction of the adverse effects or the increase in beneficial effects. Environmentally enhanced features should be balanced against detrimental effects of the project.

- (i) Human displacement.
  - (AA) Relocation Assistance Programs.
  - (BB) Other.
- (ii) Disruption of Community and/or Neighborhood.
  - (AA) Access Ways.
  - (BB) Other.
- (iii) Noise.
  - (AA) Hours of operation.
  - (BB) Relationship to ambient noise level.
  - (CC) Special remedial measures, e.g., berms.
- (iv) Visual.
  - (AA) Grading Criteria.
  - (BB) Landscaping.

- (CC) Architectural Integration with Site and Surroundings.
- (v) Air Pollution.
  - (AA) Odor.
  - (BB) Dust.
  - (CC) Other Air Contaminants.
- (vi) Impact on cultural facilities.
  - (AA) Replacement.
  - (BB) Relocation.
- (vii) Natural vegetation.
  - (AA) Protection and retention of existing vegetation.
  - (BB) Replanting.
- (ix) [*sic.*, *viii*] Wildlife/Aquatic life habitats.
- (H) Relationship Between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity: This section requires an assessment of the proposed action for short-term and long-term effects. A determination should be made whether the present benefits will exist for future generations.
- (I) Irreversible and Irretrievable Commitment of Resources: This section should describe those irreversible losses of resources (prime farm land, mineral resources, timber, water, etc.) which will result if the proposed action is implemented.
- (J) Effect on the Use and Conservation of Energy Resources: This clause should include a discussion of the impact, if any, of the proposed action on increasing the existing rate of consumption or decreasing production of energy.
- (K) Comparison of Alternatives: Compare the cost and environmental impact, short and long-term effects, irreversible and irretrievable commitment of resources, and effects on use and energy conservation, etc., for each alternative. Use tables for comparison, if possible.
- (3) Solicitation of Comments from the Public and Public Agencies: The draft statement shall be circulated to local, state, and federal agencies and to the general public deemed by the agency to have an interest in the proposed action for comment in accordance with agency procedures. At least thirty (30) days shall be allowed for submission of comments. At this stage, the document can be in draft form, prior to agency selection of the best alternative or final proposed action.
- (4) Public Hearing: After receipt of comments from the above, the agency shall determine by vote of the governing body whether or not to conduct a public hearing on the environmental impact of the proposed action. As a basis for determination, the agency should consider:
  - (A) the seriousness of the adverse environmental impacts apparent at the time;
  - (B) whether or not the proposed action is known or has the potential to be controversial; and
  - (C) whether or not significant requests for a public hearing have been filed.If the agency decides to conduct a public hearing, it shall be conducted for the purpose of explaining the environmental impacts, their significance, alternatives available, and mitigating measures which can be taken.
- (5) Summary of and Response to Comments from the Public and Public Agencies: A summary of the comments from each commentor, followed by the agency response, and the attachment of the actual comments shall be included in the final statement. If a public hearing was not held, the reasons shall be stated. If a public hearing was held, the date, time, place, and attendance shall be stated.
- (6) Evaluation of Alternatives: The alternatives listed in the draft statement, plus any prompted by comments from the public and public agencies, shall be evaluated according to the impact of each on the human and natural environment, utilizing the categories listed in clause (E). Each alternative should also be evaluated from the standpoint of irreversible and irretrievable commitment of natural and energy resources.
- (7) Selection of Best Alternative: The best alternative shall be selected in accordance with the provisions of IC 13-1-10-2(b). The rationale used for selecting the best alternative and rejecting the others shall be included.
- (8) Submission of Statement to the Department. After selection of the best alternative, the agency may preliminarily adopt said alternative as its intended course of action. The environmental impact statement shall then be submitted to the department. The department shall review the statement from the standpoint of meeting the requirements of this rule (326 IAC 16-2) and shall act within sixty (60) days to accept the statement as submitted, accept with recommendations, or return the statement for revision.
- (9) Alternate Content and Format: When an EIS is to be prepared on the proposed adoption, revision or rescission of a law,

regulation, policy, standard, or planning document, the following alternative format to that set out in clause (2) may be used. The remainder of the format shall be the same as the standard format except that clauses (6) and (7) shall not be considered applicable.

(A) A Description and Purpose of Proposed Action: This section should describe the purpose and necessity of the proposed action. Included should be any legislative or other legal requirement mandating the proposed action. If the proposed action revises or rescinds an existing law, regulation, policy, standard or planning document, or portion thereof, the magnitude and impact of the revision or rescission should be explained.

(i) A Purpose

(ii) A Objective

(B) A Growth Inducement Aspects: This section should describe the potentiality and probability of the proposed action to induce or reduce growth which might not otherwise occur, both short and long term. The impact of these aspects should be included in clause (C).

(C) A Impact of Proposed Action of Human and Natural Environment: Explain the impact of the proposed action on the following:

Human health

Water quality

Air quality

Land

Noise

Traffic

Natural vegetation

Wildlife

Scenic qualities

Historical sites

Archaeological sites

Recreational sites or opportunities

Population displacement

Disruption of community or neighborhood

(D) A Adverse Effects which Cannot be Avoided: List any adverse impacts which are identified under clause (C).

(E) A Measures which are available to mitigate any adverse effects identified under clause (C) and not listed under clause (C).

(F) A Relationship Between Local Short-term uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity: Same as clause (F).

(G) A Irreversible and Irrecoverable Commitment or Resources: Same as clause (F).

(H) A Effect On the Use and Conservation of Energy Resources: Same as clause (F).

(I) A Comparison of Alternatives: Not Applicable.

*(Air Pollution Control Board; 326 IAC 16-2-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2570; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **Rule 3. General Conformity**

#### **326 IAC 16-3-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-17

Sec. 1. (a) The provisions of this rule shall apply to all federal actions, except federal highway and transit actions, and shall establish the criteria and procedures governing the determination of conformity.

(b) The air pollution control board incorporates by reference 40 CFR 51, Subpart W\*, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" with the exception of Section 51.851 State Implementation Plan (SIP) revisions.

\*Copies of the Code of Federal Regulations referenced in this section may be obtained from the Government Printing Office,

Washington D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 16-3-1; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3050; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**ARTICLE 17. PUBLIC RECORDS (REPEALED)**

(*Repealed by Air Pollution Control Board; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1372*)

**ARTICLE 17.1. PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS**

**Rule 1. Purpose and Applicability**

**326 IAC 17.1-1-1 Purpose**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3; IC 13-14-11-5

Sec. 1. The purpose of this article is to provide the following:

- (1) The policy of the air pollution control board, to be followed by the department, in making public records available for public review and copying in accordance with IC 5-14-3 unless the information is determined to be confidential.
- (2) The provisions for protecting legitimate interests in the confidentiality of certain information.
- (3) The criteria to be used for determining the legitimacy of confidentiality claims in accordance with IC 5-14-3.
- (4) The procedures that the commissioner shall use in making determinations on the confidentiality of information.
- (5) The form of confidentiality agreements required by IC 13-14-11-5 from employees of the department and from persons under contract to the department.

(*Air Pollution Control Board; 326 IAC 17.1-1-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 17.1-1-2 Applicability**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 13-14-11

Sec. 2. This article applies to the following:

- (1) Information received on or after the effective date of this article from a person requesting confidential treatment of that information. The information may be either:
  - (A) treated as a single unit of information even if the information is comprised of a collection of individual items of information; or
  - (B) separated into two (2) or more categories to afford different treatment to the information in each category because the claim covers only a portion of the information.
- (2) Employees of the department and contractors who:
  - (A) make the confidentiality determination;
  - (B) handle the confidential information; or
  - (C) maintain the file of confidential information.
- (3) Public records, except for the following:
  - (A) In the event of a conflict between this article and 40 CFR 2.301\* (Confidentiality of Business Information), both of which are applicable to the information or document, 40 CFR 2.301\* shall govern over this article.
  - (B) In the event that two (2) or more sections contained in 40 CFR 2.301\* apply to the information, the section that provides greater or wider access to the public of the information shall govern.

\*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 also 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 17.1-1-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3084*)

**Rule 2. Definitions**

**326 IAC 17.1-2-1 Applicability**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 13-11-2

Sec. 1. The definitions in this rule apply throughout this article. (*Air Pollution Control Board; 326 IAC 17.1-2-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368*)

**326 IAC 17.1-2-2 “Available to the public” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3

Sec. 2. “Available to the public” means a public record, as defined by IC 5-14-3, but excluding public records described in 326 IAC 17.1-3-1(b), that the department shall furnish to any member of the public upon request, or may otherwise make public. (*Air Pollution Control Board; 326 IAC 17.1-2-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368*)

**326 IAC 17.1-2-3 “Claim of confidentiality” or “claim” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3-4; IC 13-14-11

Sec. 3. “Claim of confidentiality” or “claim” means a claim or assertion that information be treated as confidential because the information is excepted from disclosure under IC 5-14-3-4(a) or IC 5-14-3-4(b). (*Air Pollution Control Board; 326 IAC 17.1-2-3; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368*)

**326 IAC 17.1-2-4 “Contractor” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 13-14-11

Sec. 4. “Contractor” means:

(1) any:

- (A) person;
- (B) association;
- (C) partnership;
- (D) corporation;
- (E) business;
- (F) educational institution;
- (G) governmental body; or
- (H) other entity;

performing work under contract as an authorized representative of the department; and

(2) includes a subcontractor of the contractor and employees or officers of the contractor and subcontractor, which have been authorized by the department through the contract to have access to confidential information.

(*Air Pollution Control Board; 326 IAC 17.1-2-4; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368*)

**326 IAC 17.1-2-5 “Department” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 13-11-2-51

Sec. 5. “Department” means the department of environmental management. (*Air Pollution Control Board; 326 IAC 17.1-2-5; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368*)

**326 IAC 17.1-2-6 “Information” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3; IC 13-14-11

Sec. 6. “Information” means any of the following, regardless of physical form or characteristics, without limitation:

- (1) Written or printed material.
- (2) Data processing card decks, printouts, and tapes.
- (3) Maps.
- (4) Charts.
- (5) Paintings.
- (6) Photographs.
- (7) Drawings.
- (8) Engravings.
- (9) Sketches.
- (10) Samples.
- (11) Working notes and papers.
- (12) Reproductions of such things by any means or process.
- (13) Sound, voice, or electronic recordings in any form, in the possession of the department by which knowledge has been preserved and may be retrieved.
- (14) Any other material.

*(Air Pollution Control Board; 326 IAC 17.1-2-6; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368)*

**326 IAC 17.1-2-7 “Person” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 13-11-2-158

Sec. 7. “Person” has the meaning set forth in IC 13-11-2-158(a). *(Air Pollution Control Board; 326 IAC 17.1-2-7; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369)*

**326 IAC 17.1-2-8 “Public record” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3-2

Sec. 8. “Public record” has the meaning set forth in IC 5-14-3-2. *(Air Pollution Control Board; 326 IAC 17.1-2-8; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369)*

**326 IAC 17.1-2-9 “Trade secret” defined**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 24-2-3-2

Sec. 9. “Trade secret” has the meaning set forth in IC 24-2-3-2. *(Air Pollution Control Board; 326 IAC 17.1-2-9; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369)*

**Rule 3. Access to Public Records**

**326 IAC 17.1-3-1 Access to public records**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3-4; IC 5-14-3-8; IC 13-14-11

Sec. 1. (a) The provisions of IC 5-14-3 apply to all public records. All information received by the department is considered a public record.



(b) Public records are available to the public, except for any of the following public records:

- (1) Received under or supporting a claim of confidentiality.
- (2) Under review or appeal to determine if confidential under IC 5-14-3-4(a) or IC 5-14-3-4(b).
- (3) The commissioner has determined to be confidential under IC 5-14-3-4(a) or IC 5-14-3-4(b).

(c) Public records that are available to the public may be copied by the department upon payment of a fee provided for in IC 5-14-3-8. The fee shall be paid to the cashier's office at the Indiana department of environmental management. (*Air Pollution Control Board; 326 IAC 17.1-3-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369*)

#### **Rule 4. Confidentiality Claims**

##### **326 IAC 17.1-4-1 Confidentiality claims**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3-4; IC 13-14-11-3; IC 24-2-3-2

Sec. 1. (a) A person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality under subsections (c) and (d) at the time of submittal of the information.

(b) A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. The supporting information required under subsection (d) must be submitted to the commissioner within five (5) working days from the time the information claimed as confidentiality is acquired by the department.

(c) A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. One (1) of the following methods shall be used to indicate that the information and any of the supporting information under subsection (d) is claimed as confidential:

- (1) Attaching a cover sheet instructing which information is to be treated as confidential.
- (2) Marking each page or item of information as:
  - (A) confidential;
  - (B) confidential claim material;
  - (C) trade secrets; or
  - (D) confidential business information.

(d) The person submitting the claim shall provide supporting information to show that the information claimed as confidential is entitled to confidential treatment under IC 5-14-3 including the following:

- (1) State that the information is a specific type of confidential information under IC 5-14-3-4(a) and IC 13-14-11-3(a)(1) or IC 5-14-3-4(b) and IC 13-14-11-3(a)(2). If the information is confidential under IC 5-14-3-4(a)(4), the person submitting the claim shall provide a narrative statement or documents supporting the claim that the information meets the necessary elements of a trade secret, as defined at IC 24-2-3-2.
- (2) State whether the information has previously been determined to be confidential by the commissioner.
- (3) Indicate the portion of the supporting information claimed as confidential as specified in subsection (c).
- (4) Specify the period of time for which confidentiality is requested if the period is to be other than seventy-five (75) years as provided in IC 5-14-3-4(e).
- (5) Whenever the claim is based on the commissioner's discretionary power to grant confidential status to information under IC 5-14-3-4(b) and IC 13-14-11-3(a)(2), state all of the following:
  - (A) The statute, rule, permit, or other authority that requires the submission of such information.
  - (B) Facts demonstrating that the information may be treated as confidential under IC 5-14-3-4(b).

(e) The information and supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination under 326 IAC 17.1-5. (*Air Pollution Control Board; 326 IAC 17.1-4-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369*)

#### **Rule 5. Determinations on Claim of Confidentiality**

**326 IAC 17.1-5-1 Determinations**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 4-21.5; IC 5-14-3-4; IC 13-14-11

Sec. 1. The commissioner shall make a determination on a claim of confidentiality submitted after the effective date of this article in accordance with this article. The determination shall be made in accordance with IC 5-14-3-4 and IC 13-14-11. (*Air Pollution Control Board; 326 IAC 17.1-5-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370*)

**326 IAC 17.1-5-2 Request for additional supporting information**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 4-21.5-3-1; IC 13-14-11

Sec. 2. (a) The commissioner may request additional supporting information regarding a claim of confidentiality. Any additional supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination as required by section 1 of this rule.

(b) If the commissioner intends to make a determination to deny a claim of confidentiality, the commissioner shall notify the person in writing by certified mail, with return receipt requested, stating the following:

(1) Additional supporting information shall be submitted in accordance with 326 IAC 17.1-4-1(c).

(2) The person has fifteen (15) days from the date of receipt of the notice to respond.

(3) A submission shall be completed in the time frames and by the methods specified by IC 4-21.5-3-1(f). The person shall notify the department by telephone or facsimile within the fifteen (15) day period under subdivision (2) that additional supporting information has been mailed or deposited with a private carrier.

(4) Failure to submit any additional supporting information within fifteen (15) days under subdivision (2), or within the time allowed under subsection (d) to provide additional information in support of the claim, will result in a determination based on the information and any supporting information already received.

(5) Any additional supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination as required by section 1 of this rule.

(c) The commissioner shall make a determination after receipt of the additional supporting information submitted under subsection (b). The commissioner shall notify the person under subsection (b) of the intent to deny a claim of confidentiality only once before making a determination under sections [*sic.*, *section*] 3 or 4 of this rule. If the person fails to submit additional supporting information in accordance with subsection (b), the commissioner will make a determination based on the information and any supporting information already received.

(d) The commissioner may approve an extension of time for submitting additional information if the person makes a request in writing within the fifteen (15) days allowed in subsection (b)(2) and (b)(3). The extension will not exceed fifteen (15) days. (*Air Pollution Control Board; 326 IAC 17.1-5-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370*)

**326 IAC 17.1-5-3 Approval determination**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 4-21.5; IC 13-14-11

Sec. 3. (a) If the commissioner determines that the information shall be held confidential for the full period requested by the person who made the claim under 326 IAC 17.1-4-1(d), the commissioner shall do all of the following:

(1) Notify the person in writing of the determination.

(2) Maintain the information as confidential for the period requested under 326 IAC 17.1-4-1(d), unless ordered by a court of competent jurisdiction to permit access to the information for inspection and copying.

(b) If the commissioner determines that the information is confidential but the period of confidential treatment shall be shorter than that requested by the person under 326 IAC 17.1-4-1(d), the commissioner shall notify the person in writing by certified mail, with return receipt requested stating the following:

(1) The basis for the determination.

(2) The period of time of confidentiality, after which the information will be available to the public.

(3) The right to appeal the commissioner's determination.

(4) The procedure for appealing the commissioner's determination, including the time period provided by IC 4-21.5. (*Air Pollution Control Board; 326 IAC 17.1-5-3; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370*)

**326 IAC 17.1-5-4 Denial of claim**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 4-21.5; IC 5-14-1.5-6; IC 13-14-11

Sec. 4. If the commissioner determines that the information is not confidential based on 326 IAC 17.1-4, the commissioner shall notify the person who submitted the claim of such determination. The notification shall be in writing, sent certified mail, with return receipt requested, and shall state the following:

- (1) The basis for the determination.
- (2) Notice that the person may appeal the commissioner's determination.
- (3) The procedure for appealing the commissioner's determination, including the time period provided by IC 4-21.5.
- (4) Notice that if the determination is timely appealed, the information shall be treated as confidential until the petition for review is denied or the commissioner is ordered not to treat the information as confidential.
- (5) Notice that unless the person timely appeals the determination, the information shall be made available to the public.

(*Air Pollution Control Board; 326 IAC 17.1-5-4; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371*)

**326 IAC 17.1-5-5 Modification of determinations**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 5-14-3; IC 13-14-11

Sec. 5. (a) The commissioner's determination that information is confidential shall continue in effect for the period of time specified in the determination under section 3 of this rule unless the commissioner issues a revised determination stating that the determination under section 1 of this rule no longer accurately describes the information's confidentiality due to any of the following:

- (1) Change in applicable law.
- (2) Newly-discovered or changed facts.
- (3) A clearly erroneous previous determination.

(b) If the commissioner concludes that such a determination under section 1 of this rule is of questionable validity, the commissioner shall do the following:

- (1) Inform the person in writing by certified mail with return receipt requested.
- (2) Afford the person an opportunity to furnish additional information on pertinent issues on the matter in accordance with sections [*sic.*, *section*] 2(b)(1) through 2(b)(5) and section 2(d) of this rule.

(c) After consideration of any information timely submitted under subsection (b)(2), the commissioner may make either of the following determinations:

- (1) The information is not confidential.
- (2) The period of entitlement to treatment as confidential information shall end at an earlier date than that determined under section 1 of this rule.

(d) After the determination provided for by subsection (c) is made, the commissioner shall notify the person in writing by certified mail with return receipt requested stating one (1) of the following:

- (1) That the claim of confidentiality has been approved as provided for in section 3 of this rule.
- (2) That the claim of confidentiality has been denied as provided for in section 4 of this rule.

(*Air Pollution Control Board; 326 IAC 17.1-5-5; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371*)

**Rule 6. Appeals**

**326 IAC 17.1-6-1 Administrative appeal**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3  
Affected: IC 4-21.5-3

Sec. 1. An appeal of a determination shall be:

(1) in accordance with IC 4-21.5-3 and rules of the office of environmental adjudication; and

(2) made by filing a written petition for review with the office of environmental adjudication in accordance with IC 4-21.5-3.

A copy of the petition shall be served on the commissioner concurrent with such filing. (*Air Pollution Control Board; 326 IAC 17.1-6-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371*)

**326 IAC 17.1-6-2 Judicial review**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 4-21.5-5

Sec. 2. Judicial review of a final order of the environmental law judge shall be in accordance with IC 4-21.5-5. (*Air Pollution Control Board; 326 IAC 17.1-6-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371*)

**Rule 7. Authorized Disclosure of Confidential Information**

**326 IAC 17.1-7-1 Authorized disclosure of confidential information**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 13-14-11-6

Sec. 1. Confidential information may be disclosed by the department only in accordance with IC 13-14-11-6. (*Air Pollution Control Board; 326 IAC 17.1-7-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371*)

**Rule 8. Wrongful Disclosure Penalties**

**326 IAC 17.1-8-1 Wrongful disclosure penalties**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 4-15; IC 5-14-3-3; IC 5-14-3-10; IC 13-14-11; IC 35-50-3-2

Sec. 1. Penalties for wrongful disclosure of confidential information are contained in IC 5-14-3-10. (*Air Pollution Control Board; 326 IAC 17.1-8-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1372*)

**Rule 9. Confidentiality Agreements**

**326 IAC 17.1-9-1 Confidentiality agreements**

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3-10; IC 13-14-11-5

Sec. 1. (a) Persons employed, contracted, or subcontracted by the department, prior to accessing or being granted access to confidential information, must execute a confidentiality agreement enforceable by:

(1) the state; and

(2) the submitter of the information.

(b) The following is the confidentiality agreement form for state employees:

CONFIDENTIALITY AGREEMENT  
FOR STATE EMPLOYEES

I understand that I will have access to certain confidential information submitted to the Indiana Department of Environmental Management pursuant to state or federal statute or rule. This access has been granted in accordance with my official duties as an employee of the state of Indiana.

I understand that confidential information may not be disclosed except as authorized by rules of the board as contained in 326 IAC 17.1. My obligation not to disclose such confidential information includes disclosure to any other employee, officer, or authorized representative of the state or of the United States unless such employee, officer, or authorized representative is concerned

with carrying out or implementing IC 13 or when the information is relevant in any proceeding related to enforcement.

I understand that, under Indiana statute IC 5-14-3-10, I am liable for a possible fine of up to five thousand dollars (\$5,000) or imprisonment for up to one (1) year, or both, if I knowingly or intentionally disclose confidential information to any person not authorized to receive it.

I understand that I may be subject to disciplinary action for violation of this agreement with penalties up to and including dismissal.

I understand that this agreement is enforceable by the state of Indiana and by the person who submits confidential information.

I agree that I will treat any confidential information furnished to me as confidential as established by the department.

(Signature) \_\_\_\_\_

Name (Typed)

\_\_\_\_\_ Date

(c) The following is the confidentiality agreement form for employees or officers of contractors:

**CONFIDENTIALITY AGREEMENT  
FOR CONTRACTED EMPLOYEE OR OFFICER**

I understand that as an employee or officer of \_\_\_\_\_, a contractor performing work for the Indiana Department of Environmental Management, I will have access to certain confidential information. This access has been granted to me in order that I can perform my work under the contract.

I understand that such confidential information may not be disclosed by me except as authorized by a state or federal statute or rule. My obligation not to disclose such confidential information includes disclosure to any employee of the Indiana Department of Environmental Management, any employee or officer of any contractor, or any subcontractor unless such employee or officer has executed a confidentiality agreement.

I understand that, under Indiana statute IC 5-14-3-10, I am liable for a possible fine of up to five thousand dollars (\$5,000) or imprisonment for up to one (1) year, or both, if I knowingly or intentionally disclose confidential information to any person not authorized to receive it. In addition, I understand that I may be subject to disciplinary action for violation of this agreement up to and including dismissal.

I understand that this agreement is enforceable by the state of Indiana and by the person who submits confidential information.

I agree that I will treat any confidential information furnished to me as confidential as established by the department.

(Signature) \_\_\_\_\_

Name (Typed)

\_\_\_\_\_ Date

*(Air Pollution Control Board; 326 IAC 17.1-9-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1372)*

**ARTICLE 18. ASBESTOS MANAGEMENT**

**Rule 1. Asbestos Management Personnel; Licensing**

**326 IAC 18-1-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 1. (a) This rule shall apply to persons who do any of the following:

- (1) Inspect for asbestos-containing materials at a facility.
  - (2) Develop asbestos management plans for school buildings.
  - (3) Design asbestos projects for implementation at a facility.
  - (4) Supervise the implementation of asbestos projects at a facility.
  - (5) Implement asbestos projects at a facility.
  - (6) Manage disposal, at a waste disposal facility, of ACM removed from a facility as specified at 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.].
- (b) A person may apply to the department for a license to perform activities under any of the following disciplines:
- (1) Inspector.
  - (2) Management planner.
  - (3) Project designer.
  - (4) Asbestos project supervisor.

- (5) Asbestos worker.
- (6) Asbestos contractor.
- (7) Waste disposal manager.

*(Air Pollution Control Board; 326 IAC 18-1-1; filed Sep 23, 1988, 1:45 a.m.: 12 IR 269; filed May 12, 1998, 9:15 a.m.: 21 IR 3747; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 18-1-2 Definitions**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Approved initial training course" means a course approved by the department under 326 IAC 18-2 for purposes of providing initial training to persons to become licensed.
- (2) "Approved refresher training course" means a course approved by the department under 326 IAC 18-2 for purposes of providing refresher training to licensed persons.
- (3) "Asbestos" means the asbestiform varieties of the following:
  - (A) Chrysotile (serpentine).
  - (B) Crocidolite (riebeckite).
  - (C) Amosite (cummingtonite-grunerite).
  - (D) Anthophyllite.
  - (E) Tremolite.
  - (F) Actinolite.
- (4) "Asbestos-containing building material" or "ACBM" means any ACM that is in or on structural members or other parts of a school.
- (5) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined by methods specified in 40 CFR 763, Appendix E, Subpart E, Section 1, Polarized Light Microscopy\* including Category I and Category II asbestos-containing material and all friable material.
- (6) "Asbestos-Containing Materials in Schools Rule" means the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E\*.
- (7) "Asbestos waste disposal manager" means a person who is present on-site during all ACM handling and disposal activities under 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.].
- (8) "Asbestos license" means a document issued by the department to a person meeting the licensing requirements of this rule.
- (9) "Asbestos Model Accreditation Plan Rule" means the Asbestos Model Accreditation Plan Rule under 40 CFR 763, Subpart E, Appendix C\*.
- (10) "Asbestos removal contractor" means a person who enters into one (1) or more contracts to implement an asbestos removal project at a facility.
- (11) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:
  - (A) At least three (3) linear feet of RACM on or off pipes.
  - (B) At least three (3) square feet of RACM on or off other facility components.
  - (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (12) "Certificate of accreditation" means a document issued by the department to a person who met the accreditation requirements of this rule prior to the rule being amended to change the term from accreditation to asbestos license.
- (13) "Certificate of training" means a document issued by an approved initial or refresher training course provider to a person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for such course. A certificate of training issued to a person seeking licensing by the department shall not be valid for purposes of this subdivision if such certificate of training is issued by a training course provider who is such person's

partner or employer or a subsidiary entity of such person's employer.

(14) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. The term includes any structure, installation, or building that was previously subject to 326 IAC 14, regardless of its current use or function.

(15) "Facility component" means any part of a facility, including equipment.

(16) "Friable" means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(17) "Inspection" means those activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or nonfriable ACM, or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. In addition, the term includes all reinspections of friable and nonfriable known or assumed ACM which has been previously identified. The term excludes the activities of periodic surveillance, compliance inspections, and visual inspections as referenced in 40 CFR 763.90(i)\*.

(18) "Inspector" means any person who conducts an inspection for ACM in a facility.

(19) "Interim accreditation", when referring to a training course, means that the U.S. EPA has determined that the training course meets the requirements of Section 206(c)(2) of the Toxic Substances Control Act (TSCA) Title II\*.

(20) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under this rule.

(21) "Major fiber release episode" means any disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of friable ACM.

(22) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E\* that addresses the manner in which ACM will be handled in a school building.

(23) "Management planner" means any person who prepares management plans for schools.

(24) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(25) "Person" has the meaning as set forth in IC 13-11-2-158(a).

(26) "Photographic identification card" means any of the following:

- (A) A valid driver's license or identification (ID) card issued by any state that displays the individual's photograph.
- (B) A valid work visa issued by the United States Department of Justice.
- (C) A valid United States passport.

(27) "Project designer" means a person who designs any of the following activities with respect to RACM in a facility:

- (A) An asbestos project other than a small scale short duration (SSSD) maintenance activity.
- (B) A maintenance activity that disturbs RACM other than an SSSD maintenance activity.
- (C) An asbestos project for a major fiber release episode.

(28) "Project supervisor" means a person who supervises or performs any of the following activities with respect to RACM in a facility:

- (A) An asbestos project other than an SSSD activity.
- (B) A maintenance activity that disturbs RACM other than an SSSD activity.
- (C) An asbestos project for a major fiber release episode.

(29) "Regulated asbestos-containing material" or "RACM" means the following:

- (A) Friable asbestos material.
- (B) Category I nonfriable ACM that has become friable.

- (C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.
- (D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

- (30) "Response action" means a method, including removal, encapsulation, enclosure, repair, and operation and maintenance, that protects human health and the environment from RACM.
- (31) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.
- (32) "School building" means the following:
  - (A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.
  - (B) Any gymnasium or other facility at a school which is specially designed for athletic or recreational activities for an academic course in physical education.
  - (C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.
  - (D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).
  - (E) Any portico or covered exterior hallway or walkway which is part of a school.
  - (F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) interior space of a school.
- (33) "Small-scale, short duration" or "SSSD" means any activity in which the amount of RACM being disturbed is less than three (3) linear feet on or off pipes or three (3) square feet on or off other facility components, or a total of less than seventy-five hundredths (0.75) cubic foot on or off all facility components.
- (34) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.
- (35) "Worker" means a person who performs any of the following activities with respect to RACM in a facility:
  - (A) An asbestos project other than an SSSD activity.
  - (B) A maintenance activity that disturbs RACM other than an SSSD activity.
  - (C) An asbestos project for a major fiber release episode.

\*These materials have been incorporated by reference and are available at the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-2; filed Sep 23, 1988, 1:45 p.m.: 12 IR 269; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2110; filed Dec 5, 1990, 3:40 p.m.: 14 IR 612; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2740; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3748; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-3 General provisions**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
Affected: IC 13-11-2-158; IC 13-17

Sec. 3. (a) No person shall conduct the following activities without licensing by the department:

- (1) Inspect for ACM at a facility.
- (2) Develop an asbestos management plan for a school building.
- (3) Design an asbestos project to be implemented at a facility.
- (4) Supervise the implementation of an asbestos project at a facility.
- (5) Implement an asbestos project at a facility.
- (6) Manage disposal, at a waste disposal facility, of ACM, as specified at 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.]

(b) Those persons holding a valid Indiana certificate of accreditation on the effective date of this rule shall be considered licensed under this rule until the expiration date of their certificate of accreditation.



- (c) A licensed person shall carry either of the following:
  - (1) A certificate of accreditation and a photographic identification card.
  - (2) An asbestos license.

At all times while performing activities specified in subsection (a)(1) through (a)(6) unless otherwise specified in section 8(a)(2) of this rule.

(d) An asbestos contractor shall implement asbestos projects by employing a licensed asbestos worker, an inspector, a project supervisor, a project designer, or a management planner who fulfills the requirements of section 4(d) or 6(a) of this rule by successfully completing an approved training course provided by another Indiana approved training provider. (*Air Pollution Control Board; 326 IAC 18-1-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 270; filed Dec 5, 1990, 3:40 p.m.: 14 IR 614; filed May 12, 1998, 9:15 a.m.: 21 IR 3751; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 18-1-4 Asbestos license; qualifications**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 4. (a) In order to qualify for an initial asbestos license as an asbestos inspector, a person shall meet the following:

(1) Possess a high school degree or equivalent. Two (2) years of experience in one (1) or a combination of the following fields is equivalent to a high school degree:

- (A) Asbestos inspection.
- (B) Building construction.
- (C) Building maintenance.
- (D) General building inspection.

(2) Have attended an approved initial training course for asbestos inspection and received a passing score on the written examination for such course.

(b) In order to qualify for an initial asbestos license as an asbestos management planner, a person shall meet the following:

(1) Possess an associate's, bachelor's, or graduate degree in architecture, industrial hygiene, engineering, building system design, or a related field of study. One (1) year of experience in one (1) or more of the following fields and possession of a high school degree or equivalent, as provided in subsection (a)(1), may substitute for the required associate's, bachelor's, or graduate degree:

- (A) Planning, supervision, or cost estimation of building construction.
- (B) Planning, supervision, or cost estimation of asbestos projects.
- (C) Asbestos inspection.
- (D) General building inspection.

(2) Have attended an approved initial training course for asbestos inspection and an approved training course for asbestos management planning and received passing scores on the written examinations for such courses.

(c) In order to qualify for an initial asbestos license as an asbestos project designer, a person shall meet the following:

(1) Possess an associate's, bachelor's, or graduate degree in architecture, industrial hygiene, engineering, building system design, or a related field of study. One (1) year of experience in one (1) or more of the following fields and possession of a high school degree or equivalent, as provided in subsection (a)(1), may substitute for the required associate's, bachelor's, or graduate degree:

- (A) Planning, supervision, or cost estimation of building construction.
- (B) Planning, supervision, or cost estimation of asbestos projects.
- (C) Asbestos inspection.
- (D) General building inspection.

(2) Have attended an approved initial training course for asbestos project design and received a passing score on the written examination for such course.

(d) In order to qualify for an initial asbestos license as an asbestos project supervisor, a person shall meet the following:

- (1) Have a minimum of six (6) months of experience as an asbestos project supervisor or as an asbestos worker.
- (2) Have attended an approved initial training course for asbestos project supervision and received a passing score on the written examination for such course.

(e) In order to qualify for an initial asbestos license as an asbestos worker, a person shall have attended an approved initial

training course for asbestos workers or an approved initial training course for asbestos project supervisors and received a passing score on the written examination for such course.

(f) In order to qualify for an initial asbestos license as an asbestos waste disposal manager, a person shall have attended an approved initial training course for asbestos workers or an approved initial training course for asbestos project supervisors and received a passing score on the written examination for such course.

(g) In order to qualify for an initial asbestos license as an asbestos contractor, a person shall meet the following:

(1) Possess proof of financial responsibility with a current certificate of insurance documenting that the contractor carries asbestos liability insurance in the amount of at least five hundred thousand dollars (\$500,000) for the implementation of asbestos projects. The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance to provide asbestos coverage. The contractor shall notify the department in writing within five (5) working days of any change in the status of the contractor's financial responsibility.

(2) Have attended an approved initial training course for an asbestos project supervisor or an asbestos removal contractor and received a passing score on the written examination for such course. A contractor may designate an employee to fulfill the training requirements in this subdivision and in section 6(a)(2) of this rule. The contractor shall notify the department in writing if the contractor transfers the designated status to another employee within five (5) working days of the transfer. Such written notification shall include the name of the newly designated employee and evidence of that person's successful completion of training requirements in this subdivision and in section 6(a)(2) of this rule.

(3) Demonstrate that the contractor is competent in the field of asbestos project implementation.

(4) The department shall be listed as a certificate holder on the insurance certificate.

(h) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which he or she is seeking licensing. (*Air Pollution Control Board; 326 IAC 18-1-4; filed Sep 23, 1988, 1:45 p.m.: 12 IR 270; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2026; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2112; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2743; filed May 12, 1998, 9:15 a.m.: 21 IR 3751; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-5 Asbestos license; application**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 5. (a) Any person seeking an initial asbestos license from the department as an asbestos inspector, a management planner, a project designer, a supervisor, a worker, or an asbestos waste disposal manager, shall complete the following:

(1) Submit a completed application on forms provided by the department.

(2) Provide a copy of all required certificates of training indicating that the person successfully completed the approved initial and any requisite refresher training courses as defined in section 2(2) and 2(3) of this rule and received passing scores on all written examinations for such courses.

(3) Pay the license application fee specified in section 9 of this rule.

(b) Any person seeking an initial asbestos license from the department as an asbestos contractor shall complete the following:

(1) Submit a completed written application on forms provided by the department.

(2) Provide a statement that the person has read and understands this rule, the Asbestos-Containing Materials in Schools Rule, and 326 IAC 14-10.

(3) Provide a copy of all required certificates of training indicating that the person, or the contractor's designated representative, successfully completed the approved initial and any requisite refresher training courses for asbestos project supervisor or asbestos contractor and received passing scores on all written examinations for such courses.

(4) Provide a complete list of prior contracts for the previous twelve (12) months for asbestos projects, including names, addresses, and telephone numbers of persons for whom projects were performed.

(5) Provide an up-to-date copy of the contractor's written standard operating procedures, which include current compliance procedures, for the following regulatory programs:

(A) 326 IAC 14-2 (Emission Standards for Sources of Asbestos).

(B) 326 IAC 14-10 (Asbestos Demolition and Renovation Operations).

(C) 326 IAC 18-1 (Asbestos Management Personnel; Licensing).

(D) 329 IAC 10-8 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.*] (Special

Waste).

(E) 29 CFR 1926.1101\* (Occupational Exposure to Asbestos, Final Rule).

(F) 29 CFR 1910.134\* (Occupational Safety and Health Standards, Subpart I, Personal Protective Equipment).

(6) Provide a description of any asbestos projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding termination.

(7) Provide a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.

(8) Provide copies of any and all warning letters, Notice and Order of the Commissioner, Agreed Orders, citations, notices of violation, or findings of violation levied against the contractor by any federal, state, or local governmental agency for violations of regulations or other laws pertaining to asbestos activities, including names and locations of the projects, the dates, and a description of how the allegations were resolved.

(9) Provide a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the commissioner, or claims which have been filed or levied against the contractor or any of his past or present employees, while employed by said contractor, for asbestos-related activities.

(10) Provide documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars (\$500,000) of asbestos liability insurance. The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance.

(11) Pay the license application fee as specified in section 9 of this rule.

(e) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a)(2) and (b)(3), the department may require an applicant or a designated representative of a contractor, in the case of subsection (b)(3), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The department shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid, and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the asbestos license by the department prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue an asbestos license to any person who fulfills the requirements established by this rule. The department may deny an application for an asbestos license based on any of the criteria listed in section 7 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(g) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the application is approved, the license will be sent to the applicant via the U.S. Postal Service to the address as listed on the application.

(h) An asbestos license shall be valid for one (1) year from the date of issuance.

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-5; filed Sep 23, 1988, 1:45 p.m.: 12 IR 271; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2113; filed May 12, 1998, 9:15 a.m.: 21 IR 3752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 18-1-6 Renewal of asbestos license**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 6. (a) Any person seeking to renew an asbestos license as an asbestos inspector, management planner, project designer, project supervisor, worker, contractor, or asbestos waste disposal manager shall meet the following requirements:

(1) Have possessed a valid asbestos license within the previous six (6) months.

(2) Have attended, within the previous twelve (12) months, an approved refresher training course for disciplines under which

the person was previously accredited. In the case of a person seeking to renew an asbestos license as a management planner, the person will be required to have attended both the inspector refresher and the management planner refresher training courses.

(3) Submit a completed application on forms provided by the department and include a copy of the certificates of training indicating that the person successfully completed the refresher training course and written examination.

(4) Pay the license application fee as specified in section 9 of this rule.

(b) Any person seeking to renew an asbestos license as an asbestos removal contractor by the department shall include in the application updated information as required in section 5(b)(5) through 5(b)(10) of this rule if any information has changed during the previous twelve (12) months. The contractor shall routinely examine and update his standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to asbestos.

(c) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached by the department to the face of the asbestos license prior to issuance of the license by the department.

(e) In addition to the requirements in subsection (a)(2) through (a)(3), the department may require an applicant or a designated representative of a contractor to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking the renewal license. The department shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid and the applicant must retake and pass the refresher training course for the discipline for which the applicant is seeking a license renewal.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue an asbestos license to any person who fulfills the requirements established by this rule. However, the department may deny an application for renewal of an asbestos license based on any of the criteria listed in section 7 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(g) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the application is approved, the license will be sent to the applicant via the United States Postal Service to the address as listed on the application.

(h) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which they are seeking to be licensed. (*Air Pollution Control Board; 326 IAC 18-1-6; filed Sep 23, 1988, 1:45 p.m.: 12 IR 272; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2744; filed May 12, 1998, 9:15 a.m.: 21 IR 3754; filed May 26, 2000, 8:47 a.m.: 23 IR 2425; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-7 Asbestos license; revocation; denial**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 7. The department may revoke an asbestos license or deny an application for an asbestos license or license renewal if the person or applicant does any of the following:

- (1) Violates any requirement of this rule or any requirement of:
  - (A) the Asbestos-Containing Materials in Schools Rule;
  - (B) 326 IAC 14-10;
  - (C) the Asbestos Model Accreditation Plan Rule (40 CFR 763, Subpart E)\*; or
  - (D) any other federal, state, or local regulation or other laws pertaining to asbestos in buildings or to asbestos projects.
- (2) Falsifies information on an application for an asbestos license.
- (3) Fails to meet any requirement specified in section 4 of this rule.
- (4) Conducts an asbestos project, or related asbestos handling activity, in a manner which is hazardous to the public health.
- (5) Performs work requiring an asbestos license at a job site without being in physical possession of initial and current accreditation certificates or license.
- (6) Permits the duplication or use of one's own asbestos license by another.

(7) Performs work for which an asbestos license has not been received.

(8) Has obtained training from a training provider that does not have approval to offer training for the particular discipline for which the license was received.

\*These materials have been incorporated by reference and are available at the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-7; filed Sep 23, 1988, 1:45 a.m.: 12 IR 272; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2744; filed May 12, 1998, 9:15 a.m.: 21 IR 3754; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-8 License requirements for contractors performing asbestos projects**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 8. The following requirements shall apply to the implementation of all asbestos projects at a facility:

(1) Each asbestos contractor is required to have at least one (1) licensed asbestos project supervisor, responsible for direct supervision of workers, in the work area of the asbestos project during removal, encapsulation, enclosure, stripping, repair, and work area decontamination activities. Asbestos workers must have access to the asbestos project supervisor(s) throughout the duration of the asbestos project.

(2) Each asbestos contractor shall ensure that the current:

- (A) certificate of accreditation and photographic identification card; or
- (B) asbestos license;

belonging to each project supervisor and worker is kept on the job site during all asbestos projects. The certificate of accreditation and photographic identification card or asbestos license shall be kept outside the work area and shall be available for inspection by the department.

(3) A person employed by the asbestos contractor, or a partner or subsidiary entity thereof, implementing an asbestos project shall not, for the purposes of fulfilling the requirements of 40 CFR 763.90\* of the Asbestos-Containing Material in Schools Rule, collect or analyze air samples for determining the completion of that asbestos project.

(*Air Pollution Control Board; 326 IAC 18-1-8; filed Sep 23, 1988, 1:45 p.m.: 12 IR 273; filed Dec 5, 1990, 3:40 p.m.: 14 IR 614; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-9 License fee; application fee**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 9. (a) Upon application for accreditation, an asbestos license, a person shall pay a fee as follows:

(1) Asbestos inspector: one hundred dollars (\$100).

(2) Asbestos management planner: one hundred dollars (\$100).

(3) Asbestos project designer: one hundred dollars (\$100).

(4) Asbestos contractor: one hundred fifty dollars (\$150).

(5) Asbestos project supervisor: one hundred dollars (\$100).

(6) Asbestos worker: fifty dollars (\$50).

(7) Asbestos waste disposal manager: fifty dollars (\$50).

(b) Fees paid by mail shall be paid by check or money order and shall be made payable to the Asbestos Trust Fund.

(c) The application fee is not:

(1) transferable from one (1) type of asbestos license to another;

(2) transferable from one (1) person to another;

(3) transferable to any other type of license issued by the department; or

(4) refundable;

unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing by the department, whichever is earlier.

(d) If the department determines the information on the application to be incomplete, the applicant will be requested to submit

the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable or refundable. (*Air Pollution Control Board; 326 IAC 18-1-9; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 18-1-10 Duplicate asbestos license**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-1; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 10. (a) In order to replace an asbestos license which has been lost or stolen, a person shall submit a completed application for a duplicate license on a form provided by the department.

(b) The form shall include a statement indicating that the original asbestos license was lost or stolen.

(c) The department shall issue no more than two (2) duplicate asbestos licenses to any person in any calendar year. (*Air Pollution Control Board; 326 IAC 18-1-10; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2114; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3352; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 2. Asbestos Training Courses; Requirements for Approval**

**326 IAC 18-2-1 Applicability**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 1. This rule applies to persons who provide an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1. Those training providers currently holding a valid Indiana letter of approval, per discipline, shall be considered approved per discipline under this rule until the expiration date as stated on each letter of approval. (*Air Pollution Control Board; 326 IAC 18-2-1; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed May 12, 1998, 9:15 a.m.: 21 IR 3756*)

**326 IAC 18-2-2 Definitions**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Approved initial training course" means a course approved by the department under this rule, for purposes of providing initial training to persons to become licensed.
- (2) "Approved refresher training course" means a course approved by the department under this rule, for purposes of providing refresher training to licensed persons.
- (3) "Asbestos" means the asbestiform varieties of the following:
  - (A) Chrysotile (serpentine).
  - (B) Crocidolite (riebeckite).
  - (C) Amosite (cummingtonite-grunerite).
  - (D) Anthophyllite.
  - (E) Tremolite.
  - (F) Actinolite.
- (4) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\* including Category I and Category II ACM and all friable material.
- (5) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that results in the disturbance or repair of the following:
  - (A) At least three (3) linear feet of RACM on or off pipes.
  - (B) At least three (3) square feet of RACM on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components. These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101\* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).

(6) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.

(7) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial, building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to 326 IAC 14 is included, regardless of its current use or function.

(8) "Facility component" means any part of a facility, including equipment.

(9) "Friable", when referring to material at a facility, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(10) "Hands-on training", when referring to a topic covered by a training course, means training which gives students actual experience performing tasks associated with the accredited discipline as follows:

(A) For asbestos contractors, supervisors, workers, and disposal managers, the inclusion of the following:

- (i) Working with asbestos-substitute material.
- (ii) Fitting and using respirators.
- (iii) Use of glove bags.
- (iv) Donning protective clothing.
- (v) Constructing a decontamination unit.
- (vi) Other related abatement work activities.

(B) For asbestos inspectors, the inclusion of the following:

- (i) Simulated building walk-through inspection.
- (ii) Respirator fit testing.

(11) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under 326 IAC 18-1 in the following disciplines:

- (A) Inspector.
- (B) Management planner.
- (C) Project designer.
- (D) Asbestos supervisor.
- (E) Asbestos worker.
- (F) Asbestos contractor.
- (G) Waste disposal manager.

(12) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule that addresses the manner in which ACM will be handled in a school building.

(13) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(14) "Person" has the meaning set forth in IC 13-11-2-158(a).

(15) "Regulated asbestos-containing material" or "RACM" means the following:

- (A) Friable asbestos material.
- (B) Category I nonfriable ACM that has become friable.
- (C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.

(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(16) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(17) "School building" means any of the following:

(A) A structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) A gymnasium or other facility at a school that is specially designed for athletic or recreational activities for an academic course in physical education.

(C) Another facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) A maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) A portico or covered exterior hallway or walkway that is part of a school.

(F) An exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(18) "Training course provider" means a person who provides an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1.

(19) "TSCA Title II" refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act as amended on October 22, 1986 \*\*.

\*Copies of the Code of Federal Regulations may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*Copies of TSCA Title II may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-2-2; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2114; filed May 12, 1998, 9:15 a.m.: 21 IR 3756*)

**326 IAC 18-2-3 Initial training course requirements**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 3. (a) In order to qualify for approval, an asbestos inspector training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos inspector training course shall be at least three (3) days in duration and shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos inspector training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:

- (i) The identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings.
- (ii) The physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:

- (i) The nature of asbestos-related diseases.
- (ii) Routes of exposure.
- (iii) Dose-response relationships and the lack of a safe exposure level.
- (iv) The synergistic effect between cigarette smoking and asbestos exposure.
- (v) The latency period for asbestos-related diseases.



- (vi) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
- (C) Functions, qualifications, and role of inspectors to include the following:
  - (i) Discussion of prior experience and qualifications for inspectors and management planners.
  - (ii) Discussion of the functions of an accredited inspector as compared to those of an accredited management planner.
  - (iii) Discussion of the inspection process, including inventory of ACM and physical assessment.
- (D) Legal liabilities and defenses to include the following:
  - (i) Responsibilities of the inspector and management planner.
  - (ii) A discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability policy clauses.
  - (iii) State liability insurance requirements.
  - (iv) Bonding and the relationship of insurance availability to bond availability.
- (E) Understanding building systems to include the following:
  - (i) The interrelationship between building systems, including an overview of common building physical plan layout.
  - (ii) Heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components.
  - (iii) Building mechanical systems, their types and organization, and where to look for asbestos on such systems.
  - (iv) Inspecting electrical systems, including appropriate safety precautions.
  - (v) Reading blueprints and as-built drawings.
- (F) Public, employee, or building occupant relations to include the following:
  - (i) Notification of employee organizations about the inspection.
  - (ii) Signs to warn building occupants.
  - (iii) Tact in dealing with occupants and the press.
  - (iv) Scheduling of inspections to minimize disruption.
  - (v) Education of building occupants about actions being taken.
- (G) Preinspection planning and review of previous inspection records to include the following:
  - (i) Scheduling the inspection and obtaining access.
  - (ii) Building record review.
  - (iii) Identification of probable homogeneous areas from blueprints or as-built drawings.
  - (iv) Consultation with maintenance or building personnel.
  - (v) Review of previous inspection, sampling, and abatement records of a building.
  - (vi) The role of the inspector in exclusions for previously performed inspections.
- (H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM to include the following:
  - (i) Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
  - (ii) Types of building materials that may contain asbestos.
  - (iii) Touching materials to determine friability.
  - (iv) Open return air plenums and their importance in HVAC systems.
  - (v) Assessing damage, significant damage, potential damage, and potential significant damage.
  - (vi) Amount of suspected ACM, both in total quantity and as a percentage of the total area.
  - (vii) Type of damage.
  - (viii) Accessibility.
  - (ix) Material's potential for disturbance.
  - (x) Known or suspected causes of damage or significant damage.
  - (xi) Deterioration as assessment factors.
- (I) Bulk sampling or documentation of asbestos in schools to include the following:
  - (i) Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (U.S. EPA 560/5-85-030a October 1985)\*".
  - (ii) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.
  - (iii) Sampling of nonfriable materials.

- (iv) Techniques for bulk sampling.
  - (v) Sampling equipment the inspector should use.
  - (vi) Patching or repair of damage done in sampling.
  - (vii) An inspector's repair kit.
  - (viii) Discussion of polarized light microscopy.
  - (ix) Choosing an accredited laboratory to analyze bulk samples.
  - (x) Quality control and quality assurance procedures.
- (J) Inspector respiratory protection and personal protective equipment to include the following:
- (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators.
  - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
  - (iv) Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests).
  - (v) Qualitative and quantitative fit testing procedures.
  - (vi) Variability between field and laboratory protection factors.
  - (vii) Factors that alter respirator fit, for example, facial hair.
  - (viii) The components of a proper respiratory protection program.
  - (ix) Selection and use of personal protective clothing.
  - (x) Use, storage, and handling of nondisposable clothing.
- (K) Record keeping and writing the inspection report to include the following:
- (i) Labeling of samples and keying sample identification to sampling location.
  - (ii) Recommendations on sample labeling.
  - (iii) Detailing of ACM inventory.
  - (iv) Photographs of selected sampling areas and examples of ACM condition.
  - (v) Information required for inclusion in the management plan by Section 203(i)(1) TSCA Title II.
- (L) Regulatory review to include the following:
- (i) National Emission Standards for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
  - (ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G\*.
  - (iii) TSCA Title II.
  - (iv) Occupational Safety and Health Administration (OSHA) asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).
  - (v) OSHA respirator requirements found at 29 CFR 1910.134\*.
  - (vi) The friable ACM in schools rule found at 40 CFR 763, Subpart E\*.
  - (vii) Applicable state and local regulations and differences in federal or state requirements where they apply and the effects, if any, on public and nonpublic schools or commercial or public buildings.
  - (viii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
- (M) Field trip comprised of a walk-through inspection to include the following:
- (i) On-site discussion on information gathering and determination of sampling locations.
  - (ii) On-site practice in physical assessment.
  - (iii) Classroom discussion of field exercise.
- (N) A course review of the key aspects of the training course.
- (b) In order to qualify for approval, an asbestos management planner training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) Verify that each attendee possesses a current and valid inspector training certificate prior to admission to the management planner training course.
  - (2) An asbestos management planner training course shall be at least two (2) days in duration and shall include lectures, demonstrations, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
  - (3) An asbestos management planner training course shall adequately address the following topics:
    - (A) Course overview to include the following:

- (i) The role of the management planner.
  - (ii) Operations and maintenance programs.
  - (iii) Setting work priorities.
  - (iv) Protection of building occupants.
- (B) Evaluation and interpretation of survey results to include the following:
- (i) Review of TSCA Title II\* requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II\*.
  - (ii) Interpretation of field data and laboratory results.
  - (iii) Comparison between field inspector's data sheet with laboratory results and site survey.
- (C) Hazard assessment to include the following:
- (i) Amplification of the difference between physical assessment and hazard assessment.
  - (ii) The role of the management planner in hazard assessment.
  - (iii) Explanation of significant damage, damage, potential damage, and potential significant damage.
  - (iv) Use of a description (or decision tree) code for assessment of ACM.
  - (v) Assessment of friable ACM.
  - (vi) Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
- (D) Legal implications to include the following:
- (i) Liability.
  - (ii) Insurance issues specific to planners.
  - (iii) Liabilities associated with interim control measures and in-house maintenance, repair, and removal.
  - (iv) Use of results from previously performed inspections.
- (E) Evaluation and selection of control options to include the following:
- (i) Overview of encapsulation, enclosure, interim operations and maintenance, and removal.
  - (ii) Advantages and disadvantages of each method.
  - (iii) Response actions described via a decision tree or other appropriate method.
  - (iv) Work practices for each asbestos project.
  - (v) Staging and prioritizing of work in both vacant and occupied buildings.
  - (vi) The need for containment barriers and decontamination in asbestos projects.
- (F) Role of other professionals to include the following:
- (i) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos projects.
  - (ii) Any requirements that may exist for architect sign-off of plans.
  - (iii) Team approach to design of high quality job specifications.
- (G) Developing an operations and maintenance plan to include the following:
- (i) Purpose of the plan.
  - (ii) Discussion of applicable U.S. EPA guidance documents.
  - (iii) What actions should be taken by custodial staff.
  - (iv) Proper cleaning procedures.
  - (v) Steam cleaning and high efficiency particulate aerosol (HEPA) vacuuming.
  - (vi) Reducing disturbance of ACM.
  - (vii) Scheduling operations and maintenance for off-hours.
  - (viii) Rescheduling or canceling renovation in areas with ACM.
  - (ix) Boiler room maintenance.
  - (x) Disposal of ACM.
  - (xi) In-house procedures for ACM-bridging and penetrating encapsulants.
  - (xii) Pipe fittings.
  - (xiii) Metal sleeves.
  - (xiv) Polyvinyl chloride (PVC), canvas, and wet wraps.
  - (xv) Muslin with straps.
  - (xvi) Fiber mesh cloth.

- (xvii) Mineral wool and insulating cement.
- (xviii) Discussion of employee protection programs and staff training.
- (xix) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced).

(H) Regulatory review to include the following:

- (i) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (ii) The NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (iv) TSCA Title II\*.
- (v) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(I) Record keeping for the management planner to include the following:

- (i) Use of field inspector's data sheet along with laboratory results.
- (ii) Ongoing record keeping as a means to track asbestos disturbance.
- (iii) Procedures for record keeping.

(J) Assembling and submitting the management plan to include the following:

- (i) Plan requirements in TSCA Title II, Section 203(i)(1).
- (ii) The management plan as a planning tool.

(K) Financing abatement action to include the following:

- (i) Economic analysis and cost estimates.
- (ii) Development of cost estimates.
- (iii) Present costs of abatement versus future operations and maintenance costs.
- (iv) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)\*.

(L) A course review of the key aspects of the training course.

(c) In order to qualify for approval, an asbestos project designer training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos project designer training course shall be at least three (3) days in duration and shall include lectures, demonstrations, a field trip, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos project designer training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:

- (i) Identification of asbestos.
- (ii) Examples and discussion of the uses and locations of asbestos in buildings.
- (iii) Physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:

- (i) Nature of asbestos-related diseases.
- (ii) Routes of exposure.
- (iii) Dose-response relationships and the lack of a safe exposure level.
- (iv) The synergistic effect between cigarette smoking and asbestos exposure.
- (v) The latency period of asbestos-related diseases.
- (vi) A discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(C) Overview of abatement construction projects to include the following:

- (i) Abatement as a portion of a renovation project.
- (ii) OSHA requirements for notification of other contractors on a multiemployer site 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).

(D) Safety system design specifications to include the following:

- (i) Design, construction, and maintenance of containment barriers and decontamination enclosure systems.

- (ii) Positioning of warning signs.
  - (iii) Electrical and ventilation system lock-out.
  - (iv) Proper working techniques for minimizing fiber release.
  - (v) Entry and exit procedures for the work area.
  - (vi) Use of wet methods.
  - (vii) Use of negative pressure exhaust ventilation equipment.
  - (viii) Use of HEPA vacuums.
  - (ix) Proper cleanup and disposal of asbestos.
  - (x) Work practices as they apply to encapsulation, enclosure, and repair.
  - (xi) Use of glove bags and a demonstration of glove bag use.
  - (xii) Proper techniques for initial cleaning.
- (E) Field trip comprised of a visit to an abatement site or other suitable building site, including on-site discussions of abatement design, and building walk-through inspection, including discussion of rationale for the concept of functional spaces during the walk-through.
- (F) Employee personal protective equipment to include the following:
- (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators.
  - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.
  - (iv) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
  - (v) Qualitative and quantitative fit testing procedures.
  - (vi) Variability between field and laboratory protection factors.
  - (vii) Factors that alter respirator fit, for example, facial hair.
  - (viii) Components of a proper respiratory protection program.
  - (ix) Selection and use of personal protective clothing.
  - (x) Use, storage, and handling of nondisposable clothing.
- (G) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
- (i) Electrical hazards.
  - (ii) Heat stress.
  - (iii) Air contaminants other than asbestos.
  - (iv) Fire and explosion hazards.
- (H) Fiber aerodynamics and control to include the following:
- (i) Aerodynamic characteristics of asbestos fibers.
  - (ii) Importance of proper containment barriers.
  - (iii) Settling time for asbestos fibers.
  - (iv) Wet methods in abatement.
  - (v) Aggressive air monitoring following abatement.
  - (vi) Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
- (I) Designing abatement solutions to include the following:
- (i) Discussions of removal, enclosure, and encapsulation methods.
  - (ii) Asbestos waste disposal.
- (J) Final clearance process to include the following:
- (i) Discussion of the need for a written sampling rationale for aggressive final air clearance.
  - (ii) Requirements of a complete visual inspection.
  - (iii) The relationship of the visual inspection to final air clearance.
- (K) Budgeting and cost estimation to include the following:
- (i) Development of cost estimates.
  - (ii) Present cost of abatement versus future operations and maintenance costs.
  - (iii) Setting priorities for abatement jobs to reduce costs.
- (L) Writing abatement specifications to include the following:
- (i) Preparation of and need for a written project design.

- (ii) Means and methods specifications versus performance specifications.
  - (iii) Design of abatement in occupied buildings.
  - (iv) Modification of guide specifications to a particular building.
  - (v) Worker and building occupant health and medical considerations.
  - (vi) Replacement of ACM with nonasbestos substitutes.
  - (M) Preparing abatement drawings to include the following:
    - (i) Significance and need for drawings.
    - (ii) Use of as-built drawings.
    - (iii) Use of inspection photographs and on-site reports.
    - (iv) Methods of preparing abatement drawings.
    - (v) Diagramming containment barriers.
    - (vi) Relationship of drawings to design specifications.
    - (vii) Particular problems in abatement drawings.
  - (N) Contract preparation and administration.
  - (O) Legal liabilities and defenses to include the following:
    - (i) Insurance considerations.
    - (ii) Bonding.
    - (iii) Hold harmless clauses.
    - (iv) Use of abatement contractor's liability insurance.
    - (v) Claims-made versus occurrence policies.
  - (P) Replacement of asbestos with asbestos-free substitutes.
  - (Q) Role of other consultants to include the following:
    - (i) Development of technical specification sections by industrial hygienists or engineers.
    - (ii) The multidisciplinary team approach to abatement design.
  - (R) Occupied buildings to include the following:
    - (i) Special design procedures required in occupied buildings.
    - (ii) Education of occupants.
    - (iii) Extra monitoring recommendations.
    - (iv) Staging of work to minimize occupant exposure.
    - (v) Scheduling of renovation to minimize exposure.
  - (S) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards, including, but not limited to, the following:
    - (i) Requirements of TSCA Title II\*.
    - (ii) The NESHAP, found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
    - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
    - (iv) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
    - (v) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
    - (vi) OSHA hazard communication standard found at 29 CFR 1926.59\*.
    - (vii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
  - (T) A course review of the key aspects of the training course.
- (d) In order to qualify for approval, an asbestos project supervisor or contractor training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos project supervisor or contractor training course shall be at least five (5) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
  - (2) An asbestos project supervisor or contractor training course shall adequately address the following topics:

- (A) Physical characteristics of asbestos and ACM to include the following:
  - (i) Identification of asbestos.
  - (ii) Aerodynamic characteristics.
  - (iii) Typical uses.
  - (iv) Physical appearance.
  - (v) A review of hazard assessment considerations.
  - (vi) A summary of abatement control options.
- (B) Potential health effects related to asbestos exposure to include the following:
  - (i) Nature of asbestos-related diseases.
  - (ii) Routes of exposure.
  - (iii) Dose-response relationships and the lack of a safe exposure level.
  - (iv) Synergism between cigarette smoking and asbestos exposure.
  - (v) Latency period for diseases.
- (C) Employee personal protective equipment to include the following:
  - (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
  - (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
  - (iv) Qualitative and quantitative fit testing procedures.
  - (v) Variability between field and laboratory protection factors.
  - (vi) Factors that alter respirator fit, for example, facial hair.
  - (vii) The components of a proper respiratory protection program.
  - (viii) Selection and use of personal protective clothing.
  - (ix) Use, storage, and handling of nondisposable clothing.
  - (x) Regulations covering personal protective equipment.
- (D) State-of-the-art work practices to include the following:
  - (i) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
  - (ii) Positioning of warning signs.
  - (iii) Electrical and ventilation system lock-out.
  - (iv) Proper working techniques for minimizing fiber release.
  - (v) Use of wet methods.
  - (vi) Use of negative pressure exhaust ventilation equipment.
  - (vii) Use of HEPA vacuums.
  - (viii) Proper clean-up and disposal procedures.
  - (ix) Work practices for removal, encapsulation, enclosure, and repair of ACM.
  - (x) Emergency procedures for unplanned releases.
  - (xi) Potential exposure situations.
  - (xii) Transport and disposal procedures.
  - (xiii) Recommended and prohibited work practices.
  - (xiv) New abatement-related techniques and methodologies.
- (E) Personal hygiene to include the following:
  - (i) Entry and exit procedures for the work area.
  - (ii) Use of showers.
  - (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
  - (iv) Potential exposures, such as family exposure, shall also be included.
- (F) Hazards encountered during abatement activities and how to deal with them, including the following:
  - (i) Electrical hazards.
  - (ii) Heat stress.
  - (iii) Air contaminants other than asbestos.
  - (iv) Fire and explosion hazards.

- (v) Scaffold and ladder hazards.
  - (vi) Slips, trips, and falls.
  - (vii) Confined spaces.
  - (G) Medical monitoring to include the following:
    - (i) OSHA requirements for a pulmonary function test.
    - (ii) Chest x-ray and a medical history for each employee.
  - (H) Air monitoring procedures to determine airborne concentrations of asbestos fibers to include the following:
    - (i) A description of aggressive sampling.
    - (ii) Sampling equipment and methods.
    - (iii) Reasons for air monitoring.
    - (iv) Types of samples.
    - (v) Interpretation of results, specifically from analyses performed by polarized light, phase-contrast, and electron microscopy.
  - (I) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards to include the following:
    - (i) Requirements of TSCA Title II\*.
    - (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
    - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
    - (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
    - (v) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
    - (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.*], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
  - (J) Respiratory protection programs and medical surveillance programs.
  - (K) Insurance and liability issues to include the following:
    - (i) Contractor issues.
    - (ii) Workers' compensation coverage and exclusions.
    - (iii) Third-party liabilities and defenses.
    - (iv) Insurance coverage and exclusions.
  - (L) Record keeping for asbestos abatement projects to include the following:
    - (i) Records required by federal, state, and local regulations.
    - (ii) Records recommended for legal and insurance purposes.
  - (M) Supervisory techniques for asbestos abatement activities to include supervisory practices which enforce and reinforce the required work practices and discourage unsafe work practices.
  - (N) Contract specifications to include a discussion of key elements that are included in contract specifications.
  - (O) A course review of the key aspects of the training course.
- (e) In order to qualify for approval, an asbestos worker training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos worker training course shall be at least four (4) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
  - (2) An asbestos worker training course shall adequately address the following topics:
    - (A) Physical characteristics of asbestos to include the following:
      - (i) Identification of asbestos.
      - (ii) Aerodynamic characteristics.
      - (iii) Typical uses.
      - (iv) Physical appearance.
      - (v) A summary of abatement control options.



- (B) Potential health effects related to asbestos exposure to include the following:
  - (i) Nature of asbestos-related diseases.
  - (ii) Routes of exposure.
  - (iii) Dose-response relationships and the lack of a safe exposure level.
  - (iv) Synergism between cigarette smoking and asbestos exposure.
  - (v) Latency period for diseases.
  - (vi) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
- (C) Employee personal protective equipment to include the following:
  - (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
  - (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
  - (iv) Qualitative and quantitative fit testing procedures.
  - (v) Variability between field and laboratory protection factors.
  - (vi) Factors that alter respirator fit, for example, facial hair.
  - (vii) The components of a proper respiratory protection program.
  - (viii) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
  - (ix) Regulations covering personal protective equipment.
- (D) State-of-the-art work practices to include the following:
  - (i) Proper asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
  - (ii) Positioning of warning signs.
  - (iii) Electrical and ventilation system lock-out.
  - (iv) Proper working techniques for minimizing fiber release.
  - (v) Use of wet methods.
  - (vi) Use of negative pressure ventilation equipment.
  - (vii) Use of HEPA vacuums.
  - (viii) Proper clean-up and disposal procedures.
  - (ix) Work practices for removal, encapsulation, enclosure, and repair.
  - (x) Emergency procedures for sudden releases.
  - (xi) Potential exposure situations.
  - (xii) Transport and disposal procedures.
  - (xiii) Recommended and prohibited work practices.
- (E) Personal hygiene to include the following:
  - (i) Entry and exit procedures for the work area.
  - (ii) Use of showers.
  - (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
  - (iv) Potential exposures, such as family exposure.
- (F) Hazards encountered during abatement activities and how to deal with them, including the following:
  - (i) Electrical hazards.
  - (ii) Heat stress.
  - (iii) Air contaminants other than asbestos.
  - (iv) Fire and explosion hazards.
  - (v) Scaffold and ladder hazards.
  - (vi) Slips, trips, and falls.
  - (vii) Confined spaces.
- (G) Medical monitoring to include the following:
  - (i) OSHA and U.S. EPA requirements for a pulmonary function test.
  - (ii) Chest x-rays and a medical history for each employee.
- (H) Air monitoring to include procedures to determine airborne concentrations of asbestos fibers, focusing on how

personal air sampling is performed and the reasons for it.

(I) Relevant federal, state, and local regulatory requirements, procedures, and standards with particular attention directed at relevant U.S. EPA, OSHA, and state regulations concerning asbestos abatement workers with a discussion of procedures and standards to include the following:

- (i) Requirements of TSCA Title II\*\*.
- (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
- (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101\*.
- (v) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(J) Establishment of respiratory protection programs.

(K) A course review of the key aspects of the training course.

\*These materials have been incorporated by reference and are available at the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-2-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 1250; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2028; errata filed Jul 18, 1989, 5:00 p.m.: 12 IR 2286; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2116; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2745; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3758*)

**326 IAC 18-2-4 Refresher training course requirements**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 4. (a) In order to qualify for approval, a refresher training course shall be specific to each discipline. For each discipline, the refresher training course shall review and discuss changes in federal and state regulations and other laws pertaining to asbestos, developments in state-of-the-art procedures, and a review of key aspects of the initial training course.

(b) In order to qualify for approval, a refresher training course shall meet the following requirements:

- (1) An asbestos inspector refresher training course shall be at least one-half (1/2) day in duration.
- (2) An asbestos management planner refresher training course shall be at least one (1) day in duration which shall include one-half (1/2) day of asbestos inspector refresher training.
- (3) The following refresher training courses shall be at least one (1) day in duration:
  - (A) Asbestos project designer.
  - (B) Asbestos project supervisor or contractor.
  - (C) Asbestos worker.

(4) Each refresher training course shall include a written examination as outlined in section 5 of this rule.

(*Air Pollution Control Board; 326 IAC 18-2-4; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2124; filed May 12, 1998, 9:15 a.m.: 21 IR 3766*)

**326 IAC 18-2-5 Initial and refresher training courses; examination requirements**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 5. (a) Each initial and refresher training course shall include a closed-book examination at the conclusion of each course. Demonstration testing may also be included as part of the examination.

(b) Each examination shall adequately cover the topics included in the training course for that discipline.

(c) Examinations shall have a passing score of at least seventy percent (70%) and shall consist of at least the following number of multiple choice questions for each respective discipline:

- (1) Asbestos inspectors: fifty (50) questions.
- (2) Asbestos management planners: fifty (50) questions.
- (3) Asbestos project designers: one hundred (100) questions.
- (4) Asbestos project supervisors or contractors: one hundred (100) questions.
- (5) Asbestos workers: fifty (50) questions.
- (d) Examinations shall not contain any questions specific to any state other than Indiana.

(e) Training course providers may allow a trainee to retake the final written examination after having failed to achieve a passing score of seventy percent (70%). The reexamination may be taken two (2) times, allowing a trainee a total of three (3) opportunities to pass the required examination. A trainee shall retake any asbestos training course examination within a two (2) week period following the completion of the initial or refresher asbestos training course. Failure of the trainee to pass the third attempt shall require the trainee to retake the entire appropriate asbestos training course.

(f) Training course providers may allow administration of an oral examination for the asbestos worker initial and asbestos worker refresher courses in those cases where an individual attending or completing a course or courses is unable to take or complete a written examination.

(g) Only training course providers or a designated employee of a training course provider who meets the requirements of section 10.1 of this rule may administer and proctor an examination. A proctor shall be present during the entire duration of the examination. (*Air Pollution Control Board; 326 IAC 18-2-5; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed May 12, 1998, 9:15 a.m.: 21 IR 3766*)

### **326 IAC 18-2-6 Initial and refresher training courses; qualifications for approval**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 6. Persons wishing to obtain approval of a training course shall do the following:

- (1) Ensure that the training course meets or exceeds the applicable requirements of sections 3 through 5 of this rule.
- (2) Issue numbered certificates to students who attend the training course and successfully pass the examination. The certificate shall indicate the following:
  - (A) Name of accredited person.
  - (B) Discipline of the training course completed.
  - (C) Dates of the training course.
  - (D) Date of the examination.
  - (E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
  - (F) The name, address, and telephone number of the training provider who issued the certificate.
  - (G) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II\*\*.
  - (H) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
- (3) Ensure that only instructors who meet the requirements under section 10.1 of this rule are used to teach the training course.
- (4) Allow the department to attend, evaluate, and monitor any training course without charge to the department. The department is not required to give advanced notice of such an inspection.
- (5) Ensure that each initial and refresher training course offered be specific to a single discipline and not combined with training for any other discipline.
- (6) The providers of refresher training courses shall verify that students possess valid initial and, as necessary, refresher training before granting course admission. Those providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing the appropriate initial inspector course at the time of course admission.
- (7) Ensure that all requirements for training students will be met in the event that:
  - (A) the instructor does not speak a language understood by all students; or
  - (B) the course materials are not in a language understood by all students.

(*Air Pollution Control Board; 326 IAC 18-2-6; filed Sep 23, 1988, 1:45 a.m.: 12 IR 280; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2753; filed May 12, 1998, 9:15 a.m.: 21 IR 3766*)

**326 IAC 18-2-7 Initial and refresher training courses; application for approval**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 7. (a) Any training course provider seeking approval of an initial training course by the department shall complete the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.
- (3) Provide the following information:
  - (A) The training course provider's name, address, telephone number, and primary contact person.
  - (B) The name of the training course.
  - (C) The course curriculum.
  - (D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
    - (i) Length of training in days.
    - (ii) Amount and type of hands-on training.
    - (iii) Examinations (length, format, and passing score).
    - (iv) Topics covered in the course.
  - (E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
  - (F) Provide a detailed statement about the development of the examinations and a copy of the examinations used in the course.
  - (G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).
  - (H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:
    - (i) Name of accredited person.
    - (ii) Discipline of the training course completed.
    - (iii) Dates of the training course.
    - (iv) Date of the examination.
    - (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
    - (vi) The name, address, and telephone number of the training provider who issued the certificate.
    - (vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.
    - (viii) A statement that the training course meets requirements as outlined by Indiana under this rule.
  - (I) Provide a list of all states, both U.S. EPA approved and nonapproved states, in which the course has received full or contingent approval.
  - (J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
    - (i) the instructor does not speak a language understood by all students; or
    - (ii) the course materials are not in a language understood by all students.
- (4) Pay the asbestos training course provider application fees as specified in section 12 of this rule.

(b) Any training course provider seeking approval of a refresher training course by the department shall complete the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.
- (3) Provide the following information:
  - (A) The training course provider's name, address, telephone number, and primary contact person.

- (B) The name of the training course.
  - (C) The course curriculum.
  - (D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
    - (i) Length of training in days.
    - (ii) Amount and type of hands-on training.
    - (iii) Examinations (length, format, and passing score).
    - (iv) Topics covered in the course.
  - (E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
  - (F) Provide a detailed statement about the development of the examination and a copy of the examination used in the course.
  - (G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).
  - (H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:
    - (i) Name of accredited person.
    - (ii) Discipline of the training course completed.
    - (iii) Dates of the training course.
    - (iv) Date of the examination.
    - (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
    - (vi) The name, address, and telephone number of the training provider who issued the certificate.
    - (vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.
    - (viii) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
  - (I) Provide a list of all states (both U.S. EPA approved and nonapproved states) in which the course has received full or contingent approval.
  - (J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
    - (i) the instructor does not speak a language understood by all students; or
    - (ii) the course materials are not in a language understood by all students.
- (4) Pay the asbestos training course provider application fee as specified in section 12 of this rule.
- (c) A training course provider shall notify the department in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.
- (d) The department shall review the application and shall make a determination as to the eligibility of the training course. The department shall issue a letter of approval to any training course provider, providing an approved initial training course or an approved refresher training course, who fulfills the requirements of this rule. The department may disapprove any training course which fails to meet the requirements of this rule.
- (e) A letter of approval shall be valid for one (1) year from the date of issuance. (*Air Pollution Control Board; 326 IAC 18-2-7; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3767*)

**326 IAC 18-2-8 Application requirements for reapproval**

Authority: IC 13-1-1-4; IC 13-1-1-14; IC 13-7-7-1; IC 13-7-7-5  
Affected: IC 13-1-1-15; IC 13-7-1-17

Sec. 8. (a) Any training course provider seeking reapproval of an approved initial training course or an approved refresher training course by the commissioner shall complete the following:

- (1) Have possessed a valid letter of approval from the commissioner within the previous six (6) months.
- (2) Submit a completed application on forms provided by the commissioner and include updated information as required in section 7(a)(2) through 7(a)(3) of this rule and section 7(b)(2) through 7(b)(3) of this rule.

(3) Pay the annual application fees as specified in section 12(b) of this rule.

(b) A training course provider shall notify the commissioner in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(c) The commissioner shall review the application and shall make a determination as to the eligibility of the training course provider. The commissioner shall issue a letter of approval to any training course provider who fulfills the requirements established by this rule.

(d) A letter of approval shall be valid for one (1) year from the date of issuance. (*Air Pollution Control Board; 326 IAC 18-2-8; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2126*)

### **326 IAC 18-2-9 Representation of training course approval**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 9. (a) No person shall make representation as conducting an approved initial training course or approved refresher training course for the purpose of licensing persons under 326 IAC 18-1 without prior written approval from the department under this rule.

(b) In any oral or written statement that indicates Indiana's approval of a training course, course providers must clearly indicate that the course is only approved for purposes of licensing under this article. (*Air Pollution Control Board; 326 IAC 18-2-9; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed May 12, 1998, 9:15 a.m.: 21 IR 3768*)

### **326 IAC 18-2-10 Interim training course approval (Repealed)**

Sec. 10. (*Repealed by Air Pollution Control Board; filed May 12, 1998, 9:15 a.m.: 21 IR 3771*)

### **326 IAC 18-2-10.1 Asbestos training course provider instructor qualifications**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-17-6-3; IC 13-11-2-158

Sec. 10.1. (a) Training course providers must submit resumes and qualifications of all potential instructors, including guest instructors, for approval by the department prior to their use as instructors for any course.

(b) A person to be approved as an instructor for any asbestos training course must meet the following minimum education and training qualifications:

(1) Possess a high school diploma or equivalent as provided in 326 IAC 18-1-4(a)(1) and either of the following:

(A) A bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field.

(B) A combination of four (4) years of experience in asbestos inspection, planning, supervision, or cost estimation.

(2) Have completed and successfully passed the training course in the discipline that they wish to instruct. The training course shall be taken from a training course provider other than the provider for whom the instructor will be working.

(3) Provide copies of academic credentials and proof of field experience.

(c) The department will notify the training course provider within eight (8) weeks of the receipt of the application if a potential instructor is not approved.

(d) Instructors approved by the department prior to the effective date of this rule are exempted from this section. (*Air Pollution Control Board; 326 IAC 18-2-10.1; filed May 12, 1998, 9:15 a.m.: 21 IR 3768*)

### **326 IAC 18-2-11 Approval revocation**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 11. (a) The department may revoke the approval of a training course if the training course provider:

(1) Violates any of the following:

(A) A requirement of this rule.

- (B) A requirement of the Asbestos-Containing Materials in Schools Rule.
- (C) A requirement of the Asbestos Model Accreditation Plan Rule.
- (D) Any other federal, state, or local regulation.
- (E) Any other laws pertaining to asbestos.

- (2) Falsifies information on an application for approval.
- (3) Fails to meet any qualifications specified in sections 3 through 9 and 13 of this rule.
- (4) Misrepresents the extent of a training course's approval.
- (5) Fails to submit required information or notifications in a timely manner.
- (6) Fails to maintain requisite records.
- (7) Falsifies accreditation records, instructor qualifications, or other accreditation information.

(b) The department may revoke the approval of a training course if an approved training course instructor or other person with supervisory authority over the delivery of training has been found in violation of other asbestos regulations and other laws administered by the U.S. EPA, the department, or from a state that has an accreditation plan approved by the U.S. EPA. (*Air Pollution Control Board; 326 IAC 18-2-11; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3769*)

### **326 IAC 18-2-12 Application fees**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 12. (a) Upon application for initial or refresher asbestos training course approval, a training course provider shall pay a one (1) time application fee of one thousand dollars (\$1,000) for each of the following disciplines:

- (1) Asbestos inspectors.
- (2) Asbestos management planners.
- (3) Asbestos project designers.
- (4) Asbestos project supervisors.
- (5) Asbestos workers.
- (6) Asbestos contractors.

(b) Upon application for initial or refresher asbestos training course reapproval, a training course provider shall pay an annual application fee of five hundred dollars (\$500) for each of the following disciplines:

- (1) Asbestos inspectors.
- (2) Asbestos management planners.
- (3) Asbestos project designers.
- (4) Asbestos project supervisors.
- (5) Asbestos workers.
- (6) Asbestos contractors.

(c) Fees paid by mail shall be paid by check or money order and shall be made payable to the Asbestos Trust Fund.

(d) The application fee is not:

- (1) transferable from one (1) application to another;
- (2) transferable from one (1) training course provider to another;
- (3) transferable to any other type of licensing or approval issued by the department; or
- (4) refundable;

unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing of the application by the department, whichever is earlier.

(e) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable or refundable. (*Air Pollution Control Board; 326 IAC 18-2-12; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed May 12, 1998, 9:15 a.m.: 21 IR 3769*)

**326 IAC 18-2-13 Record keeping requirements for training providers**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 13. (a) All approved providers of approved asbestos initial training and refresher training courses must comply with the following minimum record keeping requirements:

(1) Maintain copies of all training course materials used, including the following:

- (A) Student manuals.
- (B) Instructor notebooks.
- (C) Handouts.

(2) Retain verification of instructor qualifications, including the following:

- (A) Copies of all instructors' resumes and qualifications.
- (B) Copies of the documents approving each instructor issued by the department.
- (C) Approval for instructors by the department before teaching accreditation courses under section 7 of this rule.
- (D) Notification to the department in advance whenever it changes course instructors.
- (E) Records must accurately identify the instructors who taught each particular course for each date that a course is offered.

(3) Maintain the following examination records:

- (A) A copy of the accreditation exam.
- (B) The name and test score of each person taking the exam.
- (C) The date of the exam.
- (D) The training course and discipline for which the exam was given.
- (E) The name of the person who proctored the exam.

(4) Maintain the following accreditation certificate records:

- (A) The name of each person receiving an accreditation certificate.
- (B) Proof of a passing score on the accreditation exam.
- (C) The certificate number.
- (D) The discipline for which accreditation was conferred.
- (E) The dates training was received.
- (F) The expiration of the certificate.
- (G) The location of the training course.

(5) The training provider shall assure that the topic and dates of the training course correspond to those listed on each certificate of training.

(b) All approved providers of accredited asbestos initial training and refresher training courses must comply with the following records retention and access requirements:

- (1) The training provider shall maintain all required records for a minimum of three (3) years.
- (2) The training provider must allow reasonable access to all of the records required by the model accreditation plan (MAP) and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses to both the U.S. EPA and the department upon request.
- (3) If a training provider ceases to conduct training, the training provider shall notify the department and give the department the opportunity to take possession of that provider's asbestos training records.
- (4) The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

*(Air Pollution Control Board; 326 IAC 18-2-13; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2755; filed May 12, 1998, 9:15 a.m.: 21 IR 3770)*

**326 IAC 18-2-14 Course notification and record submittal**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 14. All approved providers of approved initial and refresher training courses must comply with the following



requirements:

- (1) Notify the department in writing of all intended training courses to be held. Notification must contain course dates, daily scheduled beginning and ending times, and exact course locations. Requirements for notice of courses shall be as follows:
  - (A) Notice of courses to be held in Indiana must be submitted to the department two (2) weeks prior to the scheduled course start date.
  - (B) Notice of courses to be held outside of Indiana must be submitted to the department four (4) weeks prior to the scheduled course start date.
  - (C) Notice of course cancellations must be submitted to the department two (2) working days prior to the scheduled course start date.
- (2) All approved providers of accredited initial and refresher training courses must provide the department, not later than two (2) weeks after completion of each course, the following:
  - (A) A list of all course attendee names.
  - (B) The type of course attended.
  - (C) The date or dates of the course and the examination.
  - (D) Exam scores for each attendee.
  - (E) The certificate number issued to each attendee.

*(Air Pollution Control Board; 326 IAC 18-2-14; filed May 12, 1998, 9:15 a.m.: 21 IR 3770)*

**Rule 3. Accreditation; Asbestos Removal Personnel (Repealed)**

*(Repealed by Air Pollution Control Board; filed May 12, 1998, 9:15 a.m.: 21 IR 3771)*

**ARTICLE 19. MOBILE SOURCE RULES**

**Rule 1. Employee Commute Options**

**326 IAC 19-1-1 Applicability of rule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 1. This article applies to all employers in Lake and Porter Counties which meet the following requirements:

- (1) Employ one hundred (100) or more employees at a single worksite.
- (2) Have thirty-three (33) or more employees reporting to work at a worksite between 6 a.m. and 10 a.m. on any single day, Monday through Friday.

*(Air Pollution Control Board; 326 IAC 19-1-1; filed Oct 28, 1993, 5:00 p.m.: 17 IR 334)*

**326 IAC 19-1-2 Definitions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 2. (a) The definitions in this section apply throughout this article.

(b) "Applicable employee population" means all employees who report to work weekdays between 6 a.m. and 10 a.m., including all employees who are telecommuting or who have a scheduled weekday off as part of a compressed work week. For the purpose of calculating APO, the applicable employee population shall exclude the following:

- (1) Employees who are off because of jury duty, work action, vacation, or sick leave.
- (2) Employees not working at their primary worksite.
- (3) Contract employees if they are included in another employer's commute option plan or plan update.

(c) "Average passenger occupancy" or "APO" means the number derived by dividing the applicable employee population at a worksite by the number of vehicles driven by employees commuting from home to the worksite. APO may be calculated using either weekly or biweekly averaging periods. National holidays may be excluded from the average period. The sum of the applicable employee population, each weekday, in the selected averaging period is divided by the total number of vehicles driven by the

employees to the worksite during the same averaging period. The term “vehicle”, as used in this subsection, does not refer to any specific vehicle. Examples of the proper method of calculating APO will be provided to all applicable employers at the time of initial notification by the department.

(d) “Average vehicle occupancy” or “AVO” means the number derived by dividing the number of employees who report to worksites or other related activity centers between 6 a.m. and 10 a.m., inclusive, Monday through Friday, by the number of vehicles in which the employees report over a five (5) day period. Commuters who work for employers with less than one hundred (100) employees shall be included. In the survey used to determine the AVO, the time period shall exclude any holidays and occur during a time without holidays bordering the weekend on either side of the selected week. Using an approach consistent with procedures developed for monitoring vehicle occupancy in California (Caltrans District 7, March 1991), the AVO for Lake and Porter Counties has been determined to be 1.17.

(e) “Board” means the air pollution control board.

(f) “Department” means the Indiana department of environmental management.

(g) “Employee” means any person employed by any:

- (1) firm;
- (2) person;
- (3) business;
- (4) educational institution;
- (5) nonprofit agency or corporation;
- (6) government department or agency; or
- (7) other entity.

“Employee” refers to any full-time or part-time person working ten (10) or more days per thirty (30) day period, permanent or temporary, contract or employed, excluding volunteers, who reports to work or is assigned primarily to a worksite on a regular schedule over a thirty (30) day period.

(h) “Employer” means any:

- (1) person;
- (2) firm;
- (3) business;
- (4) educational institution;
- (5) government department or agency;
- (6) nonprofit agency or corporation; or
- (7) other entity;

which employs one hundred (100) or more persons at a single worksite. Only such worksites are subject to the employee commute options requirement; smaller worksites of the same employer are not subject to the employee commute options requirement. Several subsidiaries or units that occupy the same worksite and report to one (1) common governing board or governing entity are considered to be one (1) employer.

(i) “Peak travel period” means the time between 6 a.m. and 10 a.m., Monday through Friday.

(j) “Target average passenger occupancy” or “target APO” means the APO that an employer must achieve to show compliance with this article.

(k) “Trained employee transportation coordinator” means a person:

- (1) who has completed a training program in transportation management approved by the department; or
- (2) who can demonstrate experience equivalent to that covered in an approved transportation management program.

(l) “Vehicle” means a highway vehicle powered by an internal combustion engine with fewer than nine (9) seating positions for adults. Vehicles powered by compressed natural gas (CNG), liquified natural gas (LNG), or electricity shall not be considered a vehicle in this article.

(m) “Verifiable estimate of average passenger occupancy” means an acceptable method of estimating APO. In order to provide full documentation, the recommended method is weekly or biweekly employee trip record surveys of all employees reporting to work weekdays between 6 a.m. and 10 a.m. This includes employees who are absent due to jury duty, vacation or sick leave, and those not working at their primary worksite, but excluding employees who are absent because of work action, and contract employees if they are included in another employer's commute option plan or plan update. A suggested survey format will be provided to all applicable employers at the time of initial notification by the department.

(n) “Work action” means any action taken by the employer or an employee which results in an employee not reporting to

work. Examples include any of the following:

- (1) A strike.
- (2) A temporary employee layoff.
- (3) A temporary plant shutdown.
- (o) "Worksite" means the following:
  - (1) A building or group of buildings located within the same ozone nonattainment area which are in actual physical contact or separated only by a private or public roadway or other private or public right-of-way.
  - (2) A building or group of buildings which are owned or operated by the same employer or by employers under common control as described under subsection (h).

*(Air Pollution Control Board; 326 IAC 19-1-2; filed Oct 28, 1993, 5:00 p.m.: 17 IR 334)*

### **326 IAC 19-1-3 Compliance schedule**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 4-21.5; IC 13-1-1

Sec. 3. (a) The department shall begin requesting compliance plans one (1) year after the effective date of this article. Requests will be made using certified mail.

(b) Upon receiving written notice from the department by certified mail, employers meeting the applicability requirements of section 1 of this rule shall submit to the department within one hundred twenty (120) days of receipt of the notice, two (2) copies of an employee commute options plan which meets the requirements of this article. If the employer feels that it does not meet the applicability requirements of section 1 of this rule, it shall notify the department within thirty (30) days after receipt of the written notice from the department. It will be the responsibility of the employer to demonstrate to the satisfaction of the department that it does not meet the applicability requirements of section 1 of this rule. If the employer does not agree with the final decision of the department, the employer may appeal the decision to the air pollution control board under IC 4-21.5. The board's final action is subject to judicial review under IC 4-21.5.

(c) Employers with multiple worksites shall submit a separate plan for each affected worksite upon receiving a single notice. An employer with multiple worksites may submit the common parts of separate plans in a single, comprehensive plan. Such a submission shall only be acceptable upon prior written approval from the department and shall be considered as a separate plan when determining fees under section 6 [*326 IAC 19-1-6 was repealed filed Jul 30, 1996, 2:00 p.m.: 19 IR 3352.*] of this rule.

(d) In the event that the employer reasonably needs more time to prepare a plan, additional time may be sought from the department. A request for an extension must be made, in writing, at least thirty (30) days prior to the plan submittal deadline and shall include an explanation of the need for additional time and an anticipated plan submittal date. Additional time may be granted by the department for good cause, but such an extension shall only be effective upon written notification from the department specifying a new plan submittal deadline. The department shall notify the employer whether or not the extension has been granted within ten (10) calendar days of receipt of the written request for extension.

(e) After the employer submits the employee commute options plan, the department shall approve, conditionally approve, or disapprove the plan. If the department fails to respond to the plan, in writing, within sixty (60) days, the plan shall be deemed approved. Conditional approval may be granted for a plan with minor deficiencies. Notice of a disapproved plan shall be made by certified mail, and the notice shall contain the reasons for disapproval. If the employer believes that the disapproved plan meets the requirements of this article, the employer may appeal the decision to the air pollution control board under IC 4-21.5. The board's final agency action is subject to judicial review under IC 4-21.5. A disapproved plan must be revised by the employer and resubmitted to the department within sixty (60) days of receipt of the notice of disapproval or within sixty (60) days of the board's decision to uphold the disapproval by the department.

(f) The employee commute options plan shall be implemented within one (1) year of the plan's approval by the department.  
*(Air Pollution Control Board; 326 IAC 19-1-3; filed Oct 28, 1993, 5:00 p.m.: 17 IR 336)*

### **326 IAC 19-1-4 General requirements**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 4. (a) Any employer meeting the applicability requirements of this article shall submit an employee commute options

plan. This plan, at a minimum, shall increase the APO per vehicle in commuting trips between home and the workplace during peak travel periods to a level not less than twenty-five percent (25%) above the areawide AVO for all such trips.

(b) Each employee commute options plan shall contain the following information:

(1) A cover letter signed by the highest ranking official with direct management responsibility for the worksite indicating commitment to implement the plan.

(2) Designation of a trained employee transportation coordinator responsible for implementing the plan including a specific staffing commitment. It is recommended that the trained employee transportation coordinator be located on-site and that a minimum of one (1) hour per week for every fifty (50) employees be spent on administering the employee commute options program.

(3) A brief description of the employer and the worksite including the following:

(A) The general type of business and any unique aspects such as seasonal fluctuation in the number of employees or the employer's business cycles.

(B) An approximation of the percent of employees by type, for example, clerical, professional, part-time, and contract.

(C) A site map showing the building and, where applicable, location and number of preferential parking spaces for ridesharing vehicles and placement of bicycle lockers or racks.

(D) Public transit services serving the worksite including the specific locations of nearby transit stops.

(4) A verifiable estimate of the existing APO at the worksite, prior to implementation of the employee commute options plan.

(5) A brief description of the factors influencing the existing APO including any existing employer-provided commute option measures.

(6) A list of specific commute option measures the employer shall provide which can reasonably be expected to be achieved within one (1) year after the plan submittal deadline and maintained continuously thereafter as the target APO. The list shall include a detailed description of each measure specifying the following:

(A) When they will be provided.

(B) How they will be presented to employees.

(C) The estimated cost.

(7) A method of monitoring the progress of the implementation of the plan and the individual strategies included within the plan.

*(Air Pollution Control Board; 326 IAC 19-1-4; filed Oct 28, 1993, 5:00 p.m.: 17 IR 336)*

**326 IAC 19-1-5 Employee commute options plan update**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 4-21.5; IC 13-1-1

Sec. 5. (a) The employee commute options plan must be updated by each employer by submitting two (2) copies of a plan update to the department one (1) year after the initial plan submittal deadline and annually thereafter. The department shall notify the employer of the plan update deadline one hundred twenty (120) days prior to the deadline. A request for an extension must be made at least thirty (30) days prior to the plan update deadline. The department shall notify the employer, in writing, whether or not the extension has been granted within ten (10) calendar days after receipt of the written request for extension.

(b) The department may postpone a plan update at any time and for any reason including the need to change the annual plan update schedule to coincide with seasonal fluctuations in the number of employees or the employer's business cycle. A postponement made by the department shall be in writing and shall specify a new plan update deadline.

(c) The plan update shall focus on commute option measures provided by the employer. The plan update shall contain the following:

(1) A verifiable estimate of the APO attained.

(2) A description of each commute option measure provided specifying when each was offered and how each was presented to employees.

(3) An evaluation of the plan's effectiveness in attaining the prescribed APO.

(4) A list of additional commute option measures which, when implemented, will allow a company to meet its target APO. These measures are to be achieved within one (1) year of the plan update deadline. The list shall include a detailed description of each additional measure specifying the following:

(A) When they will be provided.

(B) How they will be marketed to employees.

(C) The estimated cost.

(5) An explanation of why the additional measures are likely to achieve and maintain the target APO.

(6) Any changes in the strategies used to achieve the target APO or any changes to the method of monitoring progress in implementing the strategies.

(7) A new cover letter signed by the highest ranking official with direct management responsibility for the worksite, indicating the employer's commitment to implement the plan update.

(8) If applicable, as a result of personnel changes, designation of a new trained transportation coordinator responsible for implementing the plan update.

(9) If applicable, as a result of company relocation, merger, or acquisition, a new brief description of the employer and the worksite including the items listed in section 4(b)(3) of this rule.

(d) After the employer submits the plan update, the department shall approve, conditionally approve, or disapprove the plan update. If the department fails to respond to the plan update, in writing, within sixty (60) days, it shall be deemed approved. If the employer believes that a disapproved plan meets the requirements of this article, the employer may appeal the disapproval to the board under IC 4-21.5. The board's final action is subject to judicial review under IC 4-21.5. A disapproved plan must be revised by the employer and resubmitted to the department within sixty (60) days of receipt of the notice of disapproval or within sixty (60) days of the board's decision to uphold the disapproval by the department. (*Air Pollution Control Board; 326 IAC 19-1-5; filed Oct 28, 1993, 5:00 p.m.: 17 IR 337*)

### **326 IAC 19-1-6 Fees (Repealed)**

Sec. 6. (*Repealed by Air Pollution Control Board; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3352*)

### **326 IAC 19-1-7 Employee commute options plan revision**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 7. (a) An approved plan or approved plan update may be revised by submitting a plan revision or a plan update to the department. The revision shall not be effective until approved by the department.

(b) An employer submitting a plan revision or plan update revision shall not be required to pay a fee. (*Air Pollution Control Board; 326 IAC 19-1-7; filed Oct 28, 1993, 5:00 p.m.: 17 IR 338*)

### **326 IAC 19-1-8 Violations**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1; IC 13-7-13-1

Sec. 8. (a) Failure to comply with any provision of this article constitutes a violation of this article. The following are violations of this article and are punishable under the authority of IC 13-7-13-1(a):

(1) Failure to submit an approvable plan or to submit an approvable plan update.

(2) Failure to implement an approved plan or to implement an approved plan update.

(3) Failure to provide any measure in an approved plan or to provide any measure in an approved plan update.

(4) Falsification of information on a plan or information on a plan update.

(5) Falsification of information on employment.

(6) Failure to respond to an order to comply.

(b) If the employer complies with all provisions of the approved employee commute options plan or plan update, but fails to meet the target APO, such failure is not a violation of this rule. (*Air Pollution Control Board; 326 IAC 19-1-8; filed Oct 28, 1993, 5:00 p.m.: 17 IR 338*)

### **326 IAC 19-1-9 Banking and trading of average passenger occupancy credits**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 9. (a) Within one (1) year of the effective date of this article, the department shall study and make a recommendation to the board regarding the feasibility of an APO credit banking or trading program for incorporation into this article.

(b) An APO credit banking or trading program will be considered as a means of encouraging excess vehicle trip reductions by individual employers or as a means of assisting employers who fail to meet the required number of trip reductions to meet the target APO through application of trip reduction credits. (*Air Pollution Control Board; 326 IAC 19-1-9; filed Oct 28, 1993, 5:00 p.m.: 17 IR 339*)

## **Rule 2. Transportation Conformity to Federal and State Implementation Plans**

### **326 IAC 19-2-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule, unless specifically exempted in the applicability section of 40 CFR 93, Subpart A\*, applies to transportation plans, programs, and projects in nonattainment or maintenance areas for transportation-related criteria pollutants that are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 United States Code (U.S.C.) or the Federal Transit Laws.

(b) This rule applies to regionally significant projects, regardless of funding source, located in nonattainment or maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

(c) The air pollution control board incorporates by reference the following:

(1) 40 CFR 51, Subpart T, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Laws"\*.

(2) 40 CFR 93, Subpart A, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Laws"\* , with the exception of Section 93.102(d)\*.

\*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 also 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 19-2-1; filed Apr 28, 1997, 4:00 p.m.: 20 IR 2298; filed Oct 20, 1998, 4:45 p.m.: 22 IR 751; filed May 21, 2002, 10:20 a.m.: 25 IR 3085*)

## **Rule 3. Clean Fuel Fleet Vehicles**

### **326 IAC 19-3-1 Applicability**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 1. (a) This rule applies to all owners and operators of vehicle fleets located or operated in Lake or Porter County that meet the following requirements:

(1) The fleet consists of ten (10) or more motor vehicles that can be centrally fueled one hundred percent (100%) of the time and are owned or operated by a single person.

(2) At least ten (10) vehicles in the fleet are operated in Lake or Porter County any time during the year, even if the fleet vehicles are garaged outside of those counties.

(b) The following vehicle types are exempt from this rule and shall not be counted toward the ten (10) vehicle criterion:

(1) Motor vehicles held for lease or rental to the general public.

(2) Motor vehicles held for sale by motor vehicle dealers, including demonstration vehicles.

(3) Motor vehicles used for motor vehicle manufacturer product evaluations or tests.

(4) Law enforcement and other emergency vehicles.

(5) Nonroad vehicles, including farm and construction vehicles.

(6) Vehicles that are more than twenty-six thousand (26,000) pounds gross vehicle weight rating.

(7) Vehicles that the U.S. Secretary of Defense has determined should be exempt from the program for national security

reasons.

(Air Pollution Control Board; 326 IAC 19-3-1; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1042)

**326 IAC 19-3-2 Definitions**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 2. The following definitions apply throughout this rule unless expressly stated:

(1) "Adjusted loaded vehicle weight" or "ALVW" means the numerical average of the vehicle curb weight and the GVWR.  
(2) "Can be centrally fueled" means vehicles that are centrally fueled or capable of being centrally fueled.  
(3) "Capable of being centrally fueled" means a fleet, or that part of a fleet, consisting of vehicles that could be refueled one hundred percent (100%) of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. The fact that a portion of the vehicles is not capable of being centrally fueled does not exempt an entire fleet from the program. The fact that a vehicle is not centrally fueled does not mean that it could not be centrally fueled. Determination of whether a vehicle is capable of being centrally fueled shall be made in accordance with the guidance as stated in 40 CFR 88\*.

(4) "Centrally fueled" means a fleet, or that portion of a fleet, consisting of vehicles that are fueled one hundred percent (100%) of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. Any vehicle that is, under normal operations, garaged at a personal residence at night but that is, in fact, centrally fueled one hundred percent (100%) of the time shall be considered to be centrally fueled for purposes of this rule. The fact that a portion of the vehicles in a fleet is not centrally fueled does not exempt an entire fleet from the program. The fact that a vehicle is not centrally fueled does not mean it could not be centrally fueled in accordance with the definition of capable of being centrally fueled.

(5) "Chicago severe nonattainment area" means the Chicago-Gary-Lake County Area, Severe-17 ozone nonattainment area as defined in 40 CFR 81.315\*.

(6) "Clean alternative fuel" means:

(A) any fuel, including:

- (i) methanol;
- (ii) ethanol; or
- (iii) other alcohols;

including any mixture thereof containing eighty-five percent (85%) or more by volume of such alcohol with gasoline or other fuels;

(B) reformulated gasoline;

(C) diesel;

(D) natural gas;

(E) liquified petroleum gas; and

(F) hydrogen or other power source, including electricity;

used in a clean fuel vehicle that complies with the standards and requirements applicable to such vehicle under this rule when using such fuel or power source. In the case of any flexible fuel vehicle or dual fuel vehicle, that means only a fuel with respect to which such vehicle was certified as a clean fuel vehicle.

(7) "Clean fuel vehicle" means a vehicle certified as an LEV, a ULEV, or a ZEV when it is operating on the clean fuel for which the vehicle was certified as a clean fuel vehicle, meeting the emission standards applicable to such a vehicle under 40 CFR 88, Subpart A, 88.104-94 and 88.105-94\*.

(8) "Combination heavy-duty vehicle" means a motor vehicle with a GVWR greater than eight thousand five hundred (8,500) pounds that is comprised of a truck-tractor and one (1) or more pieces of trailered equipment.

(9) "Control" means the following:

(A) When used to join all entities under common management, means:

(i) a third person or firm has equity ownership of at least fifty-one percent (51%) in each of two (2) or more firms;

(ii) two (2) or more firms have common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or

- (iii) one (1) firm leases, operates, supervises, or owns at least fifty-one percent (51%) of the equipment or facilities used by another person or firm, or has equity ownership of at least fifty-one percent (51%) of another firm.
- (B) When used to refer to the management of vehicles, a person has the authority to decide who can operate a particular vehicle and the purposes for which the vehicle can be operated.
- (C) When used to refer to the management of people, a person has the authority to direct the activities of another person or employee in a precise situation such as at the work place.
- (10) "Converted clean fuel vehicle" means a vehicle that has been adapted to operate on clean fuel using a conversion configuration that has been certified by U.S. EPA as meeting clean fuel emission standards and converted in accordance with the requirements for clean fuel conversions under 40 CFR 88, Subpart C, 88.306-94\*.
- (11) "Covered fleet" means ten (10) or more motor vehicles that are owned or operated by a single person. In determining the number of vehicles owned or operated by a single person for purposes of this subdivision, all motor vehicles owned or operated, leased, or otherwise controlled by such person, by any person who controls such person, or by any person under common control with such person shall be treated as owned by such person. The term shall not include any vehicle that is exempt from this rule in accordance with section 1(b) of this rule.
- (12) "Covered fleet operator" means a person who operates a fleet of at least ten (10) covered fleet vehicles that is operated in Lake or Porter County. This includes covered fleet vehicles garaged outside of Lake or Porter County.
- (13) "Covered fleet vehicle" means a motor vehicle that is:
- (A) in a vehicle class for which standards are applicable under this rule; and
  - (B) in a covered fleet that can be centrally fueled.
- (14) "Dealer demonstration vehicle" means any vehicle that is:
- (A) operated by a motor vehicle dealer solely for the purpose of promoting motor vehicle sales, either on the sales lot or through other marketing or sales promotions; or
  - (B) used for allowing potential purchasers to drive the vehicle for prepurchase or prelease evaluation.
- (15) "Department" means the Indiana department of environmental management.
- (16) "Dispenser" means a device through which a motor fuel is transferred from storage at a refueling source to a motor vehicle.
- (17) "Dual fuel vehicle" means a vehicle capable of operating on either of two (2) fuels. A dual fuel vehicle qualifies as a clean fuel vehicle when certified in accordance with 40 CFR 88, Subpart A, 88.104-94\*, as meeting the standards applicable to dual fuel vehicles on either fuel and is eligible to meet purchase requirements and earn credits when operating on the fuel on which it was certified as a dual fuel clean fuel vehicle while operating in Lake or Porter County.
- (18) "Emergency vehicle" means any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people or equipment to and from situations in which speed is required to save lives or property, for example, a rescue vehicle, a fire truck, or an ambulance.
- (19) "Flexible fuel vehicle" means a vehicle capable of operating on either or any combination of two (2) fuels. A flexible fuel vehicle qualifies as a clean fuel vehicle when certified in accordance with 40 CFR 88, Subpart A, 88.104-94\*, as meeting the standards applicable to flexible fuel vehicles on either fuel and is eligible to meet purchase requirements and earn credits when operating on the fuel on which it was certified as a flexible fuel clean fuel vehicle while operating in Lake or Porter County.
- (20) "Fuel provider" means either of the following:
- (A) A person who supplies clean alternative fuel in Lake or Porter County.
  - (B) A person who refines, imports, distributes, sells, or trades gasoline to Indiana for use in motor vehicles in Lake or Porter County.
- (21) "g/mi" means grams per mile.
- (22) "Gasoline" means any fuel that is sold for use in motor vehicles or motor vehicle engines and is commonly or commercially known or sold as gasoline.
- (23) "GVWR" means gross vehicle weight rating which is the total vehicle weight, including load, as designated by the vehicle manufacturer.
- (24) "HDV" means a heavy-duty vehicle weighing more than eight thousand five hundred (8,500) pounds and less than twenty-six thousand (26,000) pounds GVWR.
- (25) "ILEV" means an inherently low emissions vehicle that is a light-duty vehicle or light-duty truck conforming to the



applicable ILEV standard as defined in 40 CFR 88, Subpart C, 88.311-93\*. No dual fuel vehicles may be considered ILEVs unless they are certified to the applicable standards on all fuel types for which they are designed to operate.

- (26) "Law enforcement vehicle" means any vehicle that is primarily operated by:
- (A) a civilian or military police officer or sheriff;
  - (B) personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government; or
  - (C) state highway patrols, municipal law enforcement, or other similar law enforcement agencies;

and which is used for the purpose of law enforcement activities, including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities. For federal law enforcement vehicles, the definition contained in 40 CFR 88\* applies.

- (27) "LDT" means light-duty truck, a vehicle weighing less than eight thousand five hundred (8,500) pounds GVWR.  
 (28) "LDV" means light-duty vehicle, a vehicle weighing less than eight thousand five hundred (8,500) pounds GVWR.  
 (29) "LEV" means a low emission vehicle that meets the applicable LEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

- (30) "Loaded vehicle weight" or "LVW" means the vehicle curb weight plus three hundred (300) pounds.  
 (31) "Location" means any building, structure, facility, or installation that:
- (A) is owned or operated by a person or is under the control of a person; or
  - (B) is located on one (1) or more contiguous properties and contains or could contain a fueling pump or pumps for the use of the vehicles owned or controlled by that person.

(32) "Model year" or "MY", as it applies to the clean fuel vehicle fleet purchase requirements, means September 1 through August 31. For example, the 1998 model year begins September 1, 1997, and ends August 31, 1998.

(33) "Motor vehicle dealer" means any person who is engaged in the sale or distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

(34) "Motor vehicle manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines, or importing such vehicles or engines for resale, or who acts for and is under control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines, but does not include a motor vehicle dealer as defined in subdivision (33).

(35) "Motor vehicles held for lease or rental to the general public" means a vehicle that is owned or controlled primarily for the purpose of short term rental or extended term leasing (with or without maintenance), without a driver, under a contract.

(36) "NMOG" means nonmethane organic gases.

(37) "New covered fleet vehicle" means a vehicle that has not been previously controlled by the current purchaser, regardless of the model year, except any of the following:

- (A) Vehicles that were manufactured before the 1999 model year for such vehicle's weight class.
- (B) Vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations.
- (C) Vehicles transferred as part of an employee transfer.
- (D) Vehicles transferred for seasonal requirements, that is, for less than one hundred twenty (120) days.

This definition of new covered fleet vehicle is distinct from the definition of new vehicle as it applies to manufacturer certification, including the certification of vehicles to clean fuel standards.

(38) "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

(39) "Noncovered fleet" means a fleet that operates ten (10) or more motor vehicles in Lake or Porter County that are not centrally fueled or capable of central fueling or are exempt under section 1(b) of this rule.

- (40) "Owned or operated, leased, or otherwise controlled by" means either of the following:
- (A) Such person holds the beneficial title to such vehicle.
  - (B) Such person uses the vehicle for transportation purposes under a contract or similar arrangement, the term of the contract or similar arrangement is for a period of one hundred twenty (120) days or more, and such person has control over the vehicle as defined in (9).

(41) "Partially covered fleet" means a fleet in a covered area that contains both covered and noncovered fleet vehicles.

(42) "Person" means an individual, corporation, partnership, association, state, municipality, political subdivision of a state,

and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

(43) "ULEV" means an ultra low emissions vehicle that meets the applicable ULEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

(44) "Under normal circumstances garaged at personal residence" means a vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a central refueling, maintenance, or business location. Such a vehicle is not considered to be capable of being centrally fueled and is exempt from this rule unless it is, in fact, centrally fueled.

(45) "Vehicle curb weight" means the actual weight or the manufacturer's estimated weight.

(46) "Vehicle used for motor vehicle manufacturer product evaluations and tests" means a vehicle that is:

- (A) owned and operated by a:
  - (i) motor vehicle manufacturer; or
  - (ii) motor vehicle component manufacturer; or
- (B) owned or held by:
  - (i) a university research department;
  - (ii) an independent testing laboratory; or
  - (iii) other such evaluation facility;

solely for the purpose of evaluating the performance of such vehicle for engineering, research and development, or quality control reasons.

(47) "ZEV" means a zero (0) emissions vehicle that meets the applicable ZEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

\*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 19-3-2; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1043; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2044; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3771; filed May 21, 2002, 10:20 a.m.: 25 IR 3085*)

**326 IAC 19-3-3 General purchase requirements**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 3. (a) Beginning in model year 1999 and in each year thereafter, a percentage of new covered fleet vehicles purchased by each fleet owner or operator subject to this rule shall be clean fuel vehicles. The new vehicle purchase percentages for each vehicle type shall be:

Vehicle Type	MY 1999	MY 2000	MY 2001 and after
LDV	30%	50%	70%
LDT	30%	50%	70%
HDV	50%	50%	50%

(b) The requirements of subsection (a) may be met through the conversion of existing or new gasoline or diesel powered vehicles to clean fuel vehicles in accordance with the requirements for clean fuel vehicle conversions contained in 40 CFR 88, Subpart C, 88.306-94\*.

(c) Purchase requirements may be met by purchasing vehicles that meet or exceed the LEV standard or through the purchase of credits from another fleet in the Chicago severe nonattainment area so that the total equals the minimum requirement.

(d) The fleet owner or operator shall decide which vehicles and fuels to use to comply with the requirements of this rule.

(e) A fleet owner or operator who purchases vehicles certified as LEVs, ULEVs, and ZEVs beyond the percentage required in subsection (a) shall receive credits as described in section 4(e) of this rule.

(f) Vehicles purchased to satisfy the requirements of this section shall be operated on the clean alternative fuel on which they were certified to meet the clean fuel vehicle emissions standards when operating in Lake or Porter County.

\*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 19-3-3; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1045; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2044; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3774; filed May 21, 2002, 10:20 a.m.: 25 IR 3088*)

**326 IAC 19-3-4 Banking and trading of credits**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 4. (a) This section establishes the requirements of a credit program to enable fleet owners to meet the requirements of this rule both by purchasing clean fuel vehicles directly and by trading or banking credits for vehicle purchases. General provisions for the credit program are as follows:

- (1) Credits shall be generated only if a fleet operator obtains clean fuel vehicles in excess of the required number or type of vehicle required in section 3(a) of this rule or earlier than required by that section.
  - (2) Credits may be used to meet the purchase requirements of section 3 of this rule.
  - (3) Converted clean fuel vehicles shall earn credits in the same manner as other purchased clean fuel vehicles.
  - (4) All clean fuel vehicles used to generate credits must:
    - (A) meet the applicable emission standards;
    - (B) be operated in Lake or Porter County; and
    - (C) meet all other standards under this rule.
  - (5) A partially covered or covered fleet operator, who purchases or leases clean fuel fleet vehicles only to generate credits, shall be subject to all the requirements of this rule.
  - (6) A noncovered fleet owner who purchases or leases a clean fuel vehicle only to generate clean vehicle credit shall be subject to all the requirements of this rule except the purchase requirements of section 3 of this rule.
  - (7) Fleet operators who purchase or lease flexible fuel or dual fuel vehicles for the purpose of generating credit may receive credits based on the emissions of the cleanest fuel. Fleet operators who have received credits for flexible fuel or dual fuel vehicles shall operate those vehicles only on the fuel that each vehicle is certified on as an LEV, a ULEV, or a ZEV while operated in the Chicago severe nonattainment area.
  - (8) Credit may only be sold to or used in the Chicago severe nonattainment area by operators whose fleets operate in that area.
  - (9) Credit trading is allowed between all subclasses of LDVs and LDTs, but trading is not allowed between light-duty and heavy-duty classes.
  - (10) Credit trading is allowed between heavy-duty subclasses only if the credits to be traded are for the same subclass or a lighter heavy-duty subclass.
  - (11) Clean fuel vehicles used to meet purchase requirements or to generate purchase credits shall not be allowed to be sold or traded to satisfy additional purchase requirements or generate additional purchase credits for any other fleet operator.
  - (12) Converted clean fuel vehicles used to meet purchase requirements or to generate credits shall be removed from the fleet if the conversion hardware is reused to convert another vehicle for the purpose of satisfying the purchase requirements or to generate purchase credits.
  - (13) Only fleet operators who operate in the Chicago severe nonattainment area can generate credits.
- (b) Conditions for credit generating in the credit program are as follows:
- (1) A fleet owner or operator shall receive credits from the department for any of the following qualifying purchases:
    - (A) Purchase of clean fuel vehicles before the required acquisition date.
    - (B) Purchase of clean fuel vehicles before the approval of this rule if the purchase meets all other requirements of this rule and the vehicle can be shown to have operated in the Chicago severe nonattainment area exclusively on the clean alternate fuel on which it was certified as a clean fuel vehicle in the case of dual fuel or flexible fueled vehicles.
    - (C) Purchase of clean fuel vehicles in excess of the required percent of new covered vehicles.
    - (D) Purchase of clean fuel vehicles that meet more stringent standards than required in this rule.
    - (E) Purchase of clean fuel vehicles in an exempt vehicle category by the owner or operator of a covered or partially covered fleet.
    - (F) Purchase of clean fuel vehicles by a noncovered fleet operator that operates within the Chicago severe nonattainment area.

Purchase of exempt vehicles that are combination HDVs greater than twenty-six thousand (26,000) pounds GVWR may not

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generate credits if all or a portion of its fuel taxes are paid, as evidenced by fuel tax stickers on the combination HDV, to a state that is not part of the Chicago severe nonattainment area.

(2) Credit values shall be calculated to two (2) decimal places.

(3) Credits generated by the purchase of a qualifying clean fuel LDV or LDT shall be designated at the time of issuance as light-duty clean fuel fleet vehicle credits.

(4) Credits generated by the purchase of a qualifying clean fuel fleet HDV shall be designated at the time of issuance as heavy-duty clean fuel vehicle credits.

(5) Credits generated by the purchase of a light heavy-duty or a medium heavy-duty qualifying clean fuel fleet vehicle shall be designated at the time of issuance as light heavy-duty or medium heavy-duty credits, respectively.

(c) The exact amount of credit for each clean fuel vehicle that satisfies one (1) of the conditions listed in subsection (a) shall be governed by the values listed in the tables in subsection (e).

(d) All credits generated in accordance with this section may be freely traded, sold, or banked for later use, without discount or depreciation, subject to the following:

(1) A covered fleet operator shall inform the department in the annual report required in section 5 of this rule of the number of credits sold, traded, or purchased during the previous year and the number of credits proposed to be used by the operator to satisfy its purchase requirements for that year.

(2) Credits earned within the boundaries of the Chicago severe nonattainment area may be traded or sold only within the boundaries of that area.

(3) Credits purchased by owners or operators within the Chicago severe nonattainment area must have been generated by owners or operators within the Chicago severe nonattainment area.

(4) Credits may be used to satisfy purchase requirements in the following ways:

(A) Credits generated by the purchase of LDVs and LDTs may be used to demonstrate compliance with purchase requirements applicable to LDVs and LDTs.

(B) Credits generated by the purchase of vehicles of more than eight thousand five hundred (8,500) pounds GVWR may not be used to demonstrate compliance with requirements for vehicles weighing eight thousand five hundred (8,500) pounds or less.

(C) Credits generated by the purchase of vehicles of eight thousand five hundred (8,500) pounds GVWR or less may not be used to demonstrate compliance with requirements for vehicles of more than eight thousand five hundred (8,500) pounds GVWR.

(D) Credits generated by the purchase of an HDV of a particular weight subclass may be used to demonstrate compliance with required heavy-duty vehicles purchased for the same or lighter weight subclasses. Such credits may not be used to demonstrate compliance with HDV purchase requirements for vehicles of heavier weight subclasses than the weight subclass of the vehicle that generated the credits.

(E) Credits generated by the purchase of a new HDV weighing in excess of twenty-six thousand (26,000) pounds may be used to demonstrate compliance for HDVs of any subclass.

(e) Credits generated by purchase of clean fuel vehicles in excess of the requirements of this rule are shown in the following tables:

(1) Credits generated by purchase of clean vehicles are shown as follows:

CREDIT GENERATION: PURCHASING MORE CLEAN FUEL VEHICLES THAN REQUIRED BY THE MANDATE

	LDV, LDT ≤6,000 GVWR ≤3,750 LVW	LDT ≤6,000 GVWR, >3,750 LVW ≤5,750 LVW	LDT >6,000 GVWR, ≤3,750 ALVW	LDT >6,000 GVWR, >3,750 ALVW ≤5,750 ALVW	LDT >6,000 GVWR, >5,750 ALVW
LEV . . .	1.00	1.26	0.71	0.91	1.11
ULEV . .	1.20	1.54	1.00	1.29	1.47
ZEV . . .	1.43	1.83	1.43	1.83	2.23

(2) Credits generated by purchase of a ULEV or a ZEV are shown as follows:

CREDIT GENERATION: PURCHASING A ULEV OR ZEV TO MEET THE MANDATE

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	LDV,LDT ≤6,000 GVWR ≤3,750 LVW	LDT ≤6,000 GVWR, >3,750 LVW ≤5,750 LVW	LDT >6,000 GVWR, ≤3,750 ALVW	LDT >6,000 GVWR, >3,750 ALVW ≤5,750 ALVW	LDT >6,000 GVWR, >5,750 ALVW
LEV ...	0.00	0.00	0.00	0.00	0.00
ULEV ..	0.20	0.29	0.29	0.34	0.45
ZEV ...	0.43	0.57	0.71	0.91	1.11

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(3) Credits needed to satisfy the purchase requirements of section 3 of this rule are shown in the following table:  
 CREDIT NEEDED IN LIEU OF PURCHASING AN LEV TO MEET THE MANDATE

	LDV,LDT ≤6,000 GVWR ≤3,750 LVW	LDT ≤6,000 GVWR, >3,750 LVW ≤,5750 LVW	LDT >6,000 GVWR, ≤3,750 ALVW	LDT >6,000 GVWR, >3,750 ALVW ≤5,750 ALVW	LDT >6,000 GVWR, >5,750 ALVW
LEV . . . . .	1.00	1.26	0.71	0.91	1.11

(4) Credits generated by purchase of clean fuel vehicles in excess of the requirements of this rule for HDVs are shown in the following tables:

CREDIT GENERATION: PURCHASING MORE CLEAN FUEL VEHICLES THAN  
 REQUIRED BY THE MANDATE FOR HEAVY-DUTY VEHICLES

	Light HDV 8501-19500 GVWR	Medium HDV 19501-26000 GVWR	High HDV >26000 GVWR
LEV . . . . .	1.00	1.00	1.00
ULEV . . . . .	1.87	1.87	1.87
ZEV . . . . .	3.53	3.53	3.53

CREDIT GENERATION: PURCHASING A ULEV OR ZEV TO MEET THE  
 MANDATE FOR HEAVY-DUTY VEHICLES

	Light HDV	Medium HDV	High HDV
LEV . . . . .	0.00	0.00	0.00
ULEV . . . . .	0.87	0.87	0.87
ZEV . . . . .	2.53	2.53	2.53

(5) Credit needed to satisfy the purchase requirements of section 3 of this rule for HDVs are shown in the following table:

CREDIT NEEDED IN LIEU OF PURCHASING AN LEV TO MEET THE  
 MANDATE FOR HEAVY-DUTY VEHICLES

	Light HDV	Medium HDV
LEV . . . . .	1.00	1.00

*(Air Pollution Control Board; 326 IAC 19-3-4; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1046; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2044)*

**326 IAC 19-3-5 Registration and record keeping requirements**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1  
 Affected: IC 13-12-3-1

Sec. 5. Registration and record keeping requirements are as follows:

- (1) Fleet operators who control and operate ten (10) or more vehicles in Lake or Porter County shall register their fleet with the department by July 1, 1996, regardless of where the fleet is located.
- (2) Covered fleet operators who desire to obtain early purchase credits before the 1999 purchase requirements shall register their fleet at least thirty (30) days before the purchase of clean fuel vehicles.
- (3) The owner or operator of a fleet which meets the applicability requirements after the effective date of this rule, because of an increase in fleet size or because of newly obtained central fueling capability, shall register with the department within

sixty (60) days after attaining covered fleet status.

(4) On or before November 1 of each year beginning in 1999, each covered fleet operator shall submit an annual report to the department. The report shall include the following:

- (A) Name, address, and telephone number of fleet owner or operator.
- (B) Signature of responsible official as defined in 326 IAC 2-7-1(34).
- (C) The total number of vehicles in the fleet, including both covered and exempt vehicles.
- (D) Identification of the covered vehicles to include flexible fuel and dual fuel vehicles shall provide the following information:
  - (i) Vehicle identification number.
  - (ii) Type.
  - (iii) Whether flexible fuel or dual fuel.
  - (iv) Yearly mileage per vehicle.
  - (v) Miles operated in covered area.
  - (vi) Yearly fuel usage and type per vehicle.

(E) Identification of covered dedicated vehicles shall provide the following information:

- (i) Vehicle identification number.
- (ii) Type.

(F) Identification of exempt vehicles by type of vehicle that is exempt with documentation of exempt status.

(G) The report shall include the total number of vehicles purchased with a description of the type of vehicle, model year, and the number of vehicles purchased or converted that are certified as clean fuel vehicles for the previous and current model years.

(H) Clean fuel certification for all clean fuel vehicles purchased or converted as follows:

- (i) The number of credits that have been accumulated.
- (ii) The credit market activities from the previous year.

(I) Number and type of vehicles that are garaged at a personal residence.

(5) Determination of covered fleet status shall be submitted to the department by covered and noncovered fleets by November 1, 1999, and every odd-numbered year thereafter to determine if the fleet is covered. This report shall include the number of vehicles that are centrally fueled, or capable of being centrally fueled, and supporting documentation showing how the numbers were determined in accordance with 40 CFR 88\*.

(6) The following records shall be maintained for compliance audit purposes:

- (A) Information required in the annual report.
- (B) Routine maintenance records of all vehicles.
- (C) Fuel economy information, and fuel usage for dual fuel or flexible fuel vehicles.
- (D) Copies of converted vehicle certification for all converted clean fuel vehicles.
- (E) Clean fuel vehicles shall at all times be accompanied by certification that they are clean fuel vehicles.

(7) The department may request other information as necessary to determine compliance with this rule.

\*This documents [*sic., 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 19-3-5; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1048; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3774; filed May 21, 2002, 10:20 a.m.: 25 IR 3088*)

**326 IAC 19-3-6 Exemptions from transportation control measures**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 6. (a) Clean fuel fleet vehicles shall receive exemptions from the following transportation control measures (TCMs):

- (1) Time-of-day restrictions.
- (2) Day-of-the-week or day-of-the-month restrictions.
- (3) Other similar time-based restrictions.
- (b) Fleet vehicles that are certified to be ILEVs shall be exempted from the TCMs listed in subsection (a) and from the

following TCMs:

- (1) Mechanisms designed to reduce air pollution from motor vehicles by limiting their use in certain areas.
- (2) Air quality related parking restrictions.
- (3) High occupancy vehicle lane restrictions.

(c) Covered fleet operators shall be allowed to receive purchase credits and TCM exemptions for the same vehicle. (*Air Pollution Control Board; 326 IAC 19-3-6; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1049*)

**326 IAC 19-3-7 Violations**

Authority: IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

Affected: IC 13-12-3-1

Sec. 7. Failure to comply with any provision of this rule, including, but not limited to, the following, constitutes a violation of this rule:

- (1) Failure to meet purchase requirements.
- (2) Operation of a clean fuel vehicle in Lake or Porter County on a fuel other than that on which it was certified as a clean fuel vehicle or was given purchase credits.
- (3) Failure to submit required data in a timely, complete, and accurate manner.
- (4) Counterfeiting or trafficking in counterfeit purchase credit documents.

(*Air Pollution Control Board; 326 IAC 19-3-7; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1049*)

**ARTICLE 20. HAZARDOUS AIR POLLUTANTS**

**Rule 1. General Provisions**

**326 IAC 20-1-1 Incorporation of federal regulations**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. The air pollution control board incorporates by reference 40 CFR 63, Subpart A\* concerning general provisions for emission standards for hazardous air pollutants.

\*These documents are incorporated by reference. Copies section [*sic.*] 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 20-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089*)

**326 IAC 20-1-2 Applicability**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 2. (a) The provisions of this rule shall apply to any source or facility for which a standard is prescribed under this article unless otherwise specified in individual standards.

(b) The provisions of this rule do not apply to regulations developed for accidental releases unless otherwise specified in those standards. (*Air Pollution Control Board; 326 IAC 20-1-2; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 20-1-3 Definitions**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1



Sec. 3. (a) For the purposes of this article, the definitions listed in 40 CFR 63.2\* shall apply with the exception of subsection (b).

(b) The following definitions shall be substituted for the terms from 40 CFR 63.2\*:

(1) "Administrator" means the commissioner of the department of environmental management.

(2) "Permitting authority" means the commissioner of the department of environmental management.

(3) "U.S. Environmental Protection Agency" or "U.S. EPA" means the department of environmental management.

\*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 20-1-3; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089*)

**326 IAC 20-1-4 More stringent limitations**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 4. If emission limitations included in this article conflict with, or are inconsistent with, any other emission limitations established in this title, the more stringent limits shall apply. (*Air Pollution Control Board; 326 IAC 20-1-4; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 2. Accidental Releases**

**326 IAC 20-2-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to stationary sources that have more than a threshold quantity of a regulated substance in a process as determined under subsection (b).

(b) The air pollution control board incorporates by reference 40 CFR 68, Subparts A through H\*, that establishes a list of regulated substances and thresholds, and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases, with the exception of Section 68.120 concerning administrator discretion to add or delete listed regulated substances.

\*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 20-2-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341; filed Nov 20, 2000, 3:25 p.m.: 24 IR 953; filed May 21, 2002, 10:20 a.m.: 25 IR 3090*)

**Rule 3. Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries**

**326 IAC 20-3-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to existing and new byproduct coke oven batteries and to existing nonrecovery coke oven batteries used to manufacture coke, including those located at a coke plant, an integrated steel mill, or a foundry.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart L\*, Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries, with the exception of the following sections:

(1) 40 CFR 63.302(d)\*, concerning alternative standards for byproduct coke oven batteries.

(2) 40 CFR 63.304(b)(6)\*, concerning administrator approval of idle batteries.

(3) 40 CFR 63.305(b)\*, 63.305(d)\*, and 63.305(e)\*, concerning alternative standards for coke oven doors.

(4) 40 CFR 63.307(d)\*, concerning alternative standards for bypass/bleeder stacks\*.

(5) Section 2 of Method 303 in Appendix A of Subpart L\*, concerning observer certification.

\*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 Office of Air Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-3-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341; filed May 21, 2002, 10:20 a.m.: 25 IR 3090*)

#### **Rule 4. Emission Standard for Hazardous Air Pollutants for Industrial Process Cooling Towers**

##### **326 IAC 20-4-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals which are either major sources or are integral parts of facilities that are major sources as defined in 326 IAC 2-7-1(21)(A).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Q\*, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

\*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 Office of Air Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-4-1; filed Sep 14, 1995, 9:00 a.m.: 19 IR 206; filed May 21, 2002, 10:20 a.m.: 25 IR 3090*)

#### **Rule 5. Ethylene Oxide Commercial Sterilization and Fumigation Facilities**

##### **326 IAC 20-5-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to commercial sterilization and fumigation operations using ethylene oxide as provided in 40 CFR 63.360\*.

(b) As provided in 40 CFR 63.360\*, this rule does not apply to the following:

(1) Beehive fumigators.

(2) Research or laboratory facilities as defined in Section 112(c)(7) of the Clean Air Act Amendments of 1990.

(3) Ethylene oxide sterilization operations, as defined in 40 CFR 63.361\*, at stationary sources, such as hospitals, doctors' offices, clinics, or other facilities whose primary purpose is to provide medical services to humans or animals.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart O\*, Ethylene Oxide Emissions Standards for Sterilization Facilities.

\*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 Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-5-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2759; filed May 21, 2002, 10:20 a.m.: 25 IR 3091*)

#### **Rule 6. Halogenated Solvent Cleaning**

##### **326 IAC 20-6-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to each new and existing batch vapor, in-line vapor, and in-line cold and batch cold solvent cleaning machine that uses any solvent containing:

- (1) methylene chloride (CAS No. 75-09-2);
- (2) perchloroethylene (CAS No. 127-18-4);
- (3) trichloroethylene (CAS No. 79-01-6);
- (4) 1,1,1-trichloroethane (CAS No. 71-55-6);
- (5) carbon tetrachloride (CAS No. 56-23-5);
- (6) chloroform (CAS No. 67-66-3); or
- (7) any combination of these halogenated HAP solvents;

in a total concentration greater than five percent (5%) by weight as a cleaning or drying agent. The provisions of this rule do not apply to wipe cleaning activities, such as using a rag containing halogenated solvent or a spray cleaner containing halogenated solvent.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart T\*, National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, with the exception of the following sections:

- (1) 40 CFR 63.463(d)(9)\*, Alternative maintenance practices; and
- (2) 40 CFR 63.469\*, Equivalent methods of control.

\*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 20-6-1; filed Jan 25, 1996, 5:00 p.m.: 19 IR 1324; errata filed Feb 8, 1996, 5:30 p.m.: 19 IR 1373; errata filed Mar 11, 1996, 4:10 p.m.: 19 IR 1568; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3091*)

## **Rule 7. Perchloroethylene Dry Cleaning Facilities**

### **326 IAC 20-7-1 Applicability; incorporation by reference of federal standards**

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

Sec. 1. (a) This rule applies to the owner or operator of each dry cleaning facility, as defined in 40 CFR 63.321\*, that uses perchloroethylene (PCE) chemicals in the dry cleaning process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart M\*, National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities.

(c) Major sources, as defined in 326 IAC 2-7-1(22), subject to the provisions of this rule are also subject to the requirements of 326 IAC 2-7.

\*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 20-7-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 342; filed May 12, 1997, 10:00 a.m.: 20 IR 2759; filed May 21, 2002, 10:20 a.m.: 25 IR 3091*)

## **Rule 8. Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks**

### **326 IAC 20-8-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4  
Affected: IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to each chromium electroplating or chromium anodizing tank at facilities

performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart N\*, National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Anodizing Tanks.

(c) Notwithstanding 326 IAC 2-7-2, nonmajor sources that have been exempted under 40 CFR 63, Subpart N\* are not required to obtain a Part 70 permit from the department.

(d) Notwithstanding 326 IAC 2-7-4(a), nonmajor sources that have been deferred under 40 CFR 63, Subpart N\* shall submit Part 70 permit applications to the department by December 9, 2000.

\*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 20-8-1; filed December 1, 1995, 10:00 a.m.: 19 IR 659; filed Jul 23, 1998, 4:41 p.m.: 21 IR 4521; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3092*)

## **Rule 9. Magnetic Tape Manufacturing Operations**

### **326 IAC 20-9-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) This rule establishes emission limitations for operations involved in the manufacture of any flexible base substrate that is covered with a coating containing magnetic particles and that is used for any type of information storage such as audio and video recording.

(b) These provisions apply to each new and existing magnetic tape manufacturing operation located at a major source of hazardous air pollutant emissions. Research or laboratory facilities, as defined in 40 CFR 63.702\*, are exempt from these emission standards.

(c) Applicable operations include, but are not limited to, the following:

(1) Solvent storage tanks.

(2) Mix preparation equipment.

(3) Coating operations.

(4) Waste handling devices.

(5) Particulate transfer operations.

(6) Wash sinks for cleaning removable parts.

(7) Cleaning involving the flushing of fixed lines.

(8) Wastewater treatment systems.

(9) Condenser vents associated with distillation and stripping columns in the solvent recovery area, but not including the vent on a condenser that is used as the add-on air pollution control device.

(d) The air pollution control board incorporates by reference 40 CFR 63, Subpart EE, National Emission Standards For Magnetic Tape Manufacturing Operations\*.

(e) Major sources, as defined in 326 IAC 2-7-1(22), subject to the provisions of this rule are also subject to the requirements of 326 IAC 2-7.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-9-1; filed Jan 9, 1996, 5:00 p.m.: 19 IR 1325; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3092*)

## **Rule 10. Bulk Gasoline Distribution Facilities**

### **326 IAC 20-10-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.420\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart R\*, National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

\*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 20-10-1; filed Oct 5, 1999, 3:46 p.m.: 23 IR 300; filed May 21, 2002, 10:20 a.m.: 25 IR 3093*)

## **Rule 11. Synthetic Organic Chemical Manufacturing Industries**

### **326 IAC 20-11-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to chemical manufacturing process units as that term is defined in 40 CFR 63.101\*, as provided in 40 CFR 63.100\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subparts F, G, and H, Sections 63.100 through 63.182\*, national emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry.

\*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 20-11-1; filed Oct 19, 1998, 10:17 a.m.: 22 IR 752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3093*)

## **Rule 12. Processes Subject to the Negotiated Regulation for Equipment Leaks**

### **326 IAC 20-12-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to emissions of certain hazardous air pollutants from certain specified processes as provided in 40 CFR 63.190\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subparts H and I, Sections 63.160 through 63.193\*, national emission standards for organic hazardous air pollutants for certain processes subject to the negotiated regulation for equipment leaks.

\*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 20-12-1; filed Oct 19, 1998, 10:17 a.m.: 22 IR 752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3093*)

## **Rule 13. Secondary Lead Smelters**

### **326 IAC 20-13-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the following affected sources, as defined in 40 CFR 63.542\*, at all secondary lead smelters:

- (1) Blast, reverberatory, rotary, and electric melting furnaces.
- (2) Refining kettles.
- (3) Agglomerating furnaces.
- (4) Dryers.
- (5) Process fugitive sources.
- (6) Fugitive dust sources.
- (b) This rule does not apply to primary lead smelters, lead refiners, or lead remelters.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart X\*, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, with the exception of the following sections:

- (1) 40 CFR 63.543(a)\* and 40 CFR 63.543(j)\* concerning lead standards for process sources.
- (2) 40 CFR 63.544(c)\*, 40 CFR 63.544(d)\*, and 40 CFR 63.544(g)\* concerning lead standards for process fugitive sources.
- (3) 40 CFR 63.545(e)\* concerning lead standards for fugitive dust emissions.
- (4) 40 CFR 63.543(h)\* and 40 CFR 63.543(i)\* concerning compliance demonstrations for process sources.
- (5) 40 CFR 63.544(e)\* and 40 CFR 63.544(f)\* concerning compliance demonstrations for process fugitive sources.
- (6) 40 CFR 63.548(e)\* concerning bag leak detection system requirements.

\*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 20-13-1; filed Dec 1, 2000, 2:22 p.m.: 24 IR 958; filed May 21, 2002, 10:20 a.m.: 25 IR 3093*)

**326 IAC 20-13-2 Emission limitations; lead standards for Quemetco, Incorporated**

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) In addition to the requirements under section 1 of this rule, Quemetco, Inc., Indianapolis shall comply with the following emission limitations and operating provisions:

Facility Description	Emission Limitation mg/dscm
Stack 100	1.0
Stack 101	0.5
Stack 102	0.5
Stack 103	0.5
Stack 104	0.5
Stack 105	0.5
Stack 106	0.5
Stack 107	0.5
Stack 108	0.5
Stack 109	0.5
Stack 111	1.0

Process fugitive and fugitive dust emissions from stacks 101 through 109 shall be vented to the atmosphere through high efficiency particulate air (HEPA) filters as defined in 40 CFR 63.542\*.

(b) New or reconstructed affected sources, as defined in 40 CFR 63.542\*, not described in subsection (a), shall comply with the emission limitations under section 4 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 20-13-2; filed Dec 1, 2000, 2:22 p.m.: 24 IR 958; filed May 21, 2002, 10:20 a.m.: 25 IR 3094*)

**326 IAC 20-13-3 Emission limitations; lead standards for Exide Corporation**

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

Sec. 3. (a) In addition to the requirements under section 1 of this rule, Exide Corporation, Muncie shall comply with the following emission limitations and operating provisions:

Facility Description	Emission Limitation mg/dscm
Ventilation baghouse	0.5
Refinery baghouse	0.5
Bin room baghouse	0.5
North scrubber	1.0
South scrubber	1.0
Battery breaker scrubber	0.5

(b) New or reconstructed affected sources, as defined in 40 CFR 63.542\*, not described in subsection (a), shall comply with the emission limitations under section 4 of this rule, except the requirement for HEPA filters shall not apply if the new or reconstructed sources are vented to control devices operating prior to the effective date of this rule. (*Air Pollution Control Board; 326 IAC 20-13-3; filed Dec 1, 2000, 2:22 p.m.: 24 IR 959*)

**326 IAC 20-13-4 Emission limitations; other secondary lead smelters**

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

Sec. 4. In addition to the requirements under section 1 of this rule, the owner or operator of any secondary lead smelter not described under section 2 or 3 of this rule shall comply with the following emission limitations and operating provisions:

Facility Description	Emission Limitation mg/dscm
Process stacks	1.0
Process fugitive stacks	0.5
Stacks venting fugitive dust sources	0.5

Process fugitive emissions and stacks venting fugitive dust sources shall be vented to the atmosphere through high efficiency particulate air (HEPA) filters as defined in 40 CFR 63.542\*.

\*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 20-13-4; filed Dec 1, 2000, 2:22 p.m.: 24 IR 959; filed May 21, 2002, 10:20 a.m.: 25 IR 3094*)

**326 IAC 20-13-5 Operational and work practice standards**

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

Sec. 5. The owner or operator of a secondary lead smelter must install and continuously operate a bag leak detection system for all baghouses controlling process and process fugitive sources. In accordance with 40 CFR 63.548(g)\* and 40 CFR 63.548(h)\*, baghouses equipped with HEPA filters or used exclusively for the control of fugitive dust emissions are exempt from this requirement. The owner or operator must maintain and operate each baghouse controlling process and process fugitive sources such that the following conditions are met:

- (1) The alarm on the system does not activate for more than five percent (5%) of the total operating time in a six (6) month reporting period.
- (2) Procedures to determine the cause of the alarm are initiated within one (1) hour of the alarm according to the standard operating procedures manual for corrective action required under 40 CFR 63.548\*.

\*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 20-13-5; filed Dec 1, 2000, 2:22 p.m.: 24 IR 959; filed May 21, 2002, 10:20 a.m.: 25 IR 3095*)

### **326 IAC 20-13-6 Compliance testing**

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) Except as provided in subsection (b), the owner or operator of a secondary lead smelter shall conduct a compliance test for lead compounds from process stacks on an annual basis, no later than twelve (12) calendar months following the previous compliance test.

(b) If a compliance test demonstrates a source emitted lead compounds from process stacks less than or equal to fifty percent (50%) of the applicable limit under this rule during the compliance test, the owner or operator of a secondary lead smelter shall be allowed up to twenty-four (24) calendar months from the previous compliance test to conduct the next compliance test for lead compounds.

(c) The owner or operator of a secondary lead smelter shall conduct a compliance test for lead compounds from process fugitive stacks and fugitive dust stacks on the following schedule:

(1) Process fugitive stacks shall be tested on a biennial basis, no later than twenty-four (24) months following the previous compliance test.

(2) Fugitive dust stacks shall conduct an initial compliance test only and shall not be required to conduct testing on an annual or biennial basis.

Nothing in this subsection shall prohibit the department from requesting a compliance test in accordance with 326 IAC 2-1.1-11.

(d) The following shall apply to tests conducted to demonstrate compliance with the emission limitations under section 2, 3, or 4 of this rule:

(1) The owner or operator shall use the appropriate test methods under 40 CFR 63.547\*.

(2) Test notification and reporting shall comply with 326 IAC 3-6.

(e) Performance testing of process sources conducted prior to the effective date of this rule shall be subject to the testing schedule of 40 CFR 63.543(i)\*. Performance testing of sources conducted within twenty-four (24) months prior to the effective date of this rule that demonstrates compliance with the emission limitations in sections 2 through 4 of this rule shall be considered valid compliance tests for purposes of this rule.

\*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 20-13-6; filed Dec 1, 2000, 2:22 p.m.: 24 IR 960; filed May 21, 2002, 10:20 a.m.: 25 IR 3095*)

### **326 IAC 20-13-7 Compliance requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) Owners and operators of secondary lead smelters shall maintain purchasing records and manufacturer's specifications of all high efficiency particulate air (HEPA) filters installed on process fugitive and fugitive dust stacks demonstrating the filters have been certified by the manufacturer to meet the definition of HEPA filters in 40 CFR 63.542\*. The records and manufacturer's specifications shall be maintained on site for three (3) years and shall be available for an additional two (2) years.

(b) The owner or operator of any secondary lead smelter shall comply with the following opacity limitations:

(1) Stacks exhausting process, process fugitive emissions, or fugitive dust emissions shall not exceed five percent (5%) opacity from particulate matter emissions for any one (1) six (6) minute averaging period as measured by 40 CFR 60, Appendix A, Reference Method 9\*.

(2) Exterior dust handling systems of dry collectors of lead emitting processes (augers, hoppers, transfer points) shall not



discharge to the atmosphere visible emissions in excess of five percent (5%) of an observation period consisting of three (3) twenty (20) minute periods, as determined by 40 CFR 60, Appendix A, Reference Method 22\*. The provisions under this subdivision for dust handling systems shall not apply during maintenance and repair of the dust handling systems. During maintenance and repair of the dust handling system, the owner or operator shall take reasonable measures to prevent or minimize fugitive dust emissions.

(3) The opacity limitations in this subsection shall only apply to particulate matter emissions.

(c) In addition to the requirements of 40 CFR 63.8\*, 40 CFR 63.10\*, and 40 CFR 63.547(e)\*, an owner or operator of any secondary lead smelter using a total enclosure shall do the following:

(1) Submit a plan describing the installation and operation of a continuous monitoring system that meets the requirements of 40 CFR 63.547(e)(2)\*. The plan shall be postmarked or hand delivered to the department one hundred twenty (120) days prior to installation of the continuous monitoring system.

(2) Within one hundred eighty (180) days after written approval of the monitoring system plan by the department, install and operate a continuous monitoring system to measure and record pressure differential. The continuous monitoring system shall consist of the following:

(A) A differential pressure sensor capable of measuring pressure within a range of two-hundredths (0.02) to two-tenths (0.2) millimeter of mercury (one-hundredth (0.01) to one-tenth (0.1) inch water).

(B) A processor.

(C) An alarm.

(D) A continuous recording device.

Any changes to the location or operation of the system shall require prior written approval by the department.

(3) Initiate corrective actions within thirty (30) minutes of a monitoring system alarm.

(4) Request, if desired, to cease monitoring pressure differential under this subsection twelve (12) months from the commencement date of approved monitoring or the effective date of this rule, whichever is later.

(5) Notify the department of any physical changes including, but not limited to, ventilation capacity and building size. If the department determines the net effect of any such changes may potentially affect air pressure readings of the building, then the owner or operator shall resume monitoring for an additional twelve (12) months. Monitoring may be discontinued in accordance with the procedures under subdivision (4).

(6) Maintain the following on site for a period of three (3) years and have available for an additional two (2) years:

(A) Records of the pressure differential.

(B) Logs of monitoring system alarms, including date and time.

(C) Logs of corrective actions, including date and time.

(d) The owner or operator shall demonstrate compliance with the bag leak detection system requirements under section 5 of this rule, if applicable, by submitting reports showing that the alarm on the system does not activate for more than five percent (5%) of the total operating time in a six (6) month period or two hundred nineteen (219) hours, if operated for four thousand three hundred eighty (4,380) hours in the six (6) month period, whichever is less. The percentage of total operating time the alarm on the bag leak detection system activates shall be calculated as follows:

(1) Do not include alarms that occur due solely to a malfunction of the bag leak detection system in the calculation.

(2) Do not include alarms that occur during startup, shutdown, and malfunction in the calculation if:

(A) the condition is described in the startup, shutdown, and malfunction plan; and

(B) the owner or operator follows all the procedures in the plan defined for this condition.

(3) Count the actual time it takes the owner or operator to identify and correct the cause of the alarm, excluding any time that the process is shut down for repair.

(4) Calculate the percentage of time the alarm on the bag leak detection system activates as the ratio of the sum of alarm times to the total operating time multiplied by one hundred (100).

(e) The owner or operator of any secondary lead smelter shall install and maintain an ambient air quality monitoring network for lead as follows:

(1) Unless the owner or operator has received approval prior to the effective date of this rule to operate an ambient air quality monitoring network, the owner or operator shall submit a proposed ambient monitoring and quality assurance plan to the department within ninety (90) days after the effective date of this rule. The plan does not need to be submitted by the owner or operator if an authorized air pollution control agency operates the monitoring network. The owner or operator may submit a plan for an existing monitoring network that predates the effective date of this rule.

(2) An owner or operator that has not received approval prior to the effective date of this rule shall commence ambient monitoring within thirty (30) days after the department's approval of the proposed ambient monitoring and quality assurance plan. An owner or operator that has received approval prior to the effective date of this rule shall commence monitoring under this rule within thirty (30) days after such date.

(3) The ambient monitoring shall be:

(A) performed using U.S. EPA-approved methods, procedures, and quality assurance programs, and in accordance with the ambient monitoring and quality assurance plan as approved by the department; or

(B) performed by an authorized air pollution control agency having jurisdiction to operate the network.

(4) The owner or operator shall submit a quarterly report to the department within forty-five (45) days after the end of the quarter in which the data was collected. The report shall include the following:

(A) Ambient air quality monitoring network data.

(B) If a violation of the quarterly NAAQS for lead occurred, identification of the cause of the violation and corrective actions taken to address the violation.

(5) After twenty-four (24) months from the commencement date of monitoring pursuant to the approved monitoring plan, an owner or operator may submit a request to discontinue ambient monitoring. The commissioner may deny the request if a determination is made that continued monitoring is in the interest of public health and the environment.

(f) Ventilation air from the following shall be conveyed or ventilated to a control device:

(1) All enclosure hoods and total enclosures.

(2) All dryer emission vents.

(3) Agglomerating furnace emission vents.

\*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 20-13-7; filed Dec 1, 2000, 2:22 p.m.: 24 IR 960; filed May 21, 2002, 10:20 a.m.: 25 IR 3096*)

### **326 IAC 20-13-8 Bag leak detection system requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The bag leak detection system required by 40 CFR 63.548(c)(9)\* and section 5 of this rule shall meet the following requirements:

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of ten (10) milligrams per actual cubic meter (forty-four ten thousandths (0.0044) grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings, and the owner or operator must continuously record the output from the bag leak detection system.

(3) The bag leak detection system must be equipped with an alarm system that will alert appropriate plant personnel when an increase in relative particulate loadings is detected over a preset level. The alarm must be located where it can be heard by the appropriate plant personnel.

(4) Each bag leak detection system that works based on the triboelectric effect must be installed, calibrated, operated, and maintained consistent with the U.S. Environmental Protection Agency guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997)\*. Other bag leak detection systems must be installed, calibrated, and maintained consistent with the manufacturer's written specifications and recommendations.

(5) The initial adjustment of the system must, at a minimum, consist of establishing:

(A) the baseline output by adjusting the sensitivity (range);

(B) the averaging period of the device;

(C) the alarm set points; and

(D) the alarm delay time.

(6) Following initial adjustment, the owner or operator must not adjust the:

(A) sensitivity or range;

- (B) averaging period;
- (C) alarm set points; or
- (D) alarm delay time;

except as detailed in the maintenance plan required under 40 CFR 63.548(a)\*. In no event must the sensitivity be increased by more than one hundred percent (100%) or decreased more than fifty percent (50%) over a three hundred sixty-five (365) day period unless a responsible official certifies the baghouse has been inspected and found to be in good operating condition.

(7) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(8) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber.

(b) In addition to the record keeping and reporting requirements under 40 CFR 63.550\*, the owner or operator shall comply with the following:

(1) Submit a report within thirty (30) days after the end of each preceding six (6) month period ending June 30 and December 31 of each year that includes the following:

(A) A description of the actions taken following each bag leak detection system alarm pursuant to 40 CFR 63.548(f)(1)\* and 40 CFR 63.548(f)(2)\*.

(B) Calculations of the percentage of time the alarm on the bag leak detection system was activated during the reporting period.

(2) Records for bag leak detection systems shall be maintained on site for a period of three (3) years and be available for an additional two (2) years and shall include the following information:

(A) Records of bag leak detection system output.

(B) Identification of the date and time of all bag leak detection system alarms.

(C) The time that procedures to determine the cause of the alarm were initiated.

(D) The cause of the alarm.

(E) An explanation of the actions taken.

(F) The date and time the alarm was corrected.

(G) Records of total operating time of an affected source during smelting operations for each six (6) month period.

\*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 20-13-8; filed Dec 1, 2000, 2:22 p.m.: 24 IR 962; filed May 21, 2002, 10:20 a.m.: 25 IR 3097*)

## **Rule 14. Wood Furniture Manufacturing Operations**

### **326 IAC 20-14-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17

Sec. 1. (a) The provisions of this rule apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source as defined in Section 112 of the 1990 Clean Air Act Amendments.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJ\*, National Emission Standards for Wood Furniture Manufacturing Operations, with the exception of the following sections:

(1) 40 CFR 63.804(f)(4)(iv)(D) and (E)\*, establishing alternative operating parameters for carbon adsorbers and control devices not listed in the rule.

(2) 40 CFR 63.804(g)(4)(iii)(C)\*, establishing alternative monitoring parameters for carbon adsorbers.

(3) 40 CFR 63.804(g)(4)(vi) and 63.804(g)(6)(vi)\*, establishing alternative monitoring parameters for control devices not listed in the rule.

- (4) 40 CFR 63.805(a)\*, establishing alternative methods for determining volatile hazardous air pollutant content of coatings.
- (5) 40 CFR 63.805(d)(2)(V)\*, establishing alternative methods for performance tests.
- (6) 40 CFR 63.805(e)(1)\*, establishing case by case approval for permanent total enclosures.

\*These documents are incorporated by reference. Copies referenced in this section 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 20-14-1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2297; filed May 21, 2002, 10:20 a.m.: 25 IR 3098*)

## **Rule 15. Aerospace Manufacturing and Rework Facilities**

### **326 IAC 20-15-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17

Sec. 1. (a) The provisions of this rule apply to each facility that is engaged, either in part or in whole, in the manufacture or rework of commercial, civil, or military aerospace vehicles or components and that is located at a plant site that is a major source as defined in Section 112 of the 1990 Clean Air Act Amendments.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GG\*, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

\*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 20-15-1-1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2298; filed May 21, 2002, 10:20 a.m.: 25 IR 3098*)

## **Rule 16. Petroleum Refineries**

### **326 IAC 20-16-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-17

Sec. 1. (a) This rule applies to all petroleum refining process units and to related emission points as defined in 40 CFR 63.641\* as provided in 40 CFR 63.640\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CC\*, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

\*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 20-16-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2760; filed May 21, 2002, 10:20 a.m.: 25 IR 3099*)

## **Rule 17. Marine Tank Vessel Loading Operations**

### **326 IAC 20-17-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.560\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Y\*, National Emission Standards for Marine

Tank Vessel Loading Operations.

\*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 20-17-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2760; filed May 21, 2002, 10:20 a.m.: 25 IR 3099*)

**Rule 18. Printing and Publishing Operations**

**326 IAC 20-18-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to affected sources as defined in 40 CFR 63.820\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart KK\*, National Emission Standards for the Printing and Publishing Industry, with the exception of the following Sections:

(1) 63.827(b)\*, approval of alternate test methods for organic hazardous air pollutant content determinations.

(2) 63.827(c)\*, approval of alternate test methods for volatile matter determination.

\*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 20-18-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761; filed May 21, 2002, 10:20 a.m.: 25 IR 3099*)

**Rule 19. Group I Polymers and Resins**

**326 IAC 20-19-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR 63.480\* of Subpart U, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

(1) Butyl rubber.

(2) Halobutyl rubber.

(3) Epichlorohydrin elastomers.

(4) Ethylene propylene rubber.

(5) Hypalon (TM).

(6) Neoprene.

(7) Nitrile butadiene rubber.

(8) Nitrile butadiene latex.

(9) Polysulfide rubber.

(10) Polybutadiene rubber/styrene butadiene rubber produced using a solution process.

(11) Styrene butadiene latex.

(12) Styrene butadiene rubber produced using an emulsion process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart U\*, National Emission Standards for Hazardous Air Pollutant Emissions, Group I Polymers and Resins.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-19-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761; filed May 21, 2002, 10:20 a.m.: 25 IR 3099*)

**Rule 20. Epoxy Resins and Non-Nylon Polyamides**

**326 IAC 20-20-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR 63.520\* of Subpart W, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

- (1) Basic liquid epoxy resins.
- (2) Non-nylon polyamides (also known as wet strength resins).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart W\*, National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-20-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761; filed May 21, 2002, 10:20 a.m.: 25 IR 3100*)

**Rule 21. Group IV Polymers and Resins**

**326 IAC 20-21-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR Subpart JJJ, Section 63.1310\*, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

- (1) Acrylonitrile butadiene styrene resin (ABS) latex.
- (2) ABS using a batch emulsion process.
- (3) ABS using a batch suspension process.
- (4) ABS using a continuous emulsion process.
- (5) ABS using a continuous mass process.
- (6) Acrylonitrile styrene acrylate resin/alpha methyl styrene acrylonitrile resin (ASA/AMSAN).
- (7) Expandable polystyrene resin (EPS).
- (8) Methyl methacrylate acrylonitrile butadiene styrene resin (MABS).
- (9) Methyl methacrylate butadiene styrene resin (MBS).
- (10) Nitrile resin.
- (11) Poly(ethylene terephthalate) resin (PET) using a batch dimethyl terephthalate process.
- (12) PET using a batch terephthalic acid process.
- (13) PET using a continuous dimethyl terephthalate process.
- (14) PET using a continuous terephthalic acid process.
- (15) PET using a continuous terephthalic acid high viscosity multiple end finisher process.
- (16) Polystyrene resin using a batch process.
- (17) Polystyrene resin using a continuous process.
- (18) Styrene acrylonitrile resin (SAN) using a batch process.
- (19) SAN using a continuous process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJJ\*, National Emission Standards for Hazardous Air Pollutant Emissions, Group IV Polymers and Resins.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-21-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2762; filed May 21, 2002, 10:20 a.m.: 25 IR 3100*)

**Rule 22. Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production**

**326 IAC 20-22-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) This rule applies to each new and existing flexible polyurethane foam or rebond foam process as provided in 40 CFR 63.1290\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart III\*, Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

\*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 20-22-1; filed May 26, 2000, 8:39 a.m.: 23 IR 2424; filed May 21, 2002, 10:20 a.m.: 25 IR 3101*)

**Rule 23. Off-Site Waste and Recovery Operations**

**326 IAC 20-23-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to owners or operators of plant sites as provided in 40 CFR 63.680\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DD\*, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

\*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 20-23-1; filed Apr 23, 1998, 9:30 a.m.: 21 IR 3341; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3940; filed May 21, 2002, 10:20 a.m.: 25 IR 3101*)

**Rule 24. Primary Aluminum Reduction Plants**

**326 IAC 20-24-1 Applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), this rule applies to the owner or operator of each new pitch storage tank and new or existing potline, paste production plant, or anode bake furnace associated with primary aluminum production that is located at a major source as defined in 40 CFR 63.2\*.

(b) An owner or operator of an affected facility (potroom group or anode bake furnace) under 40 CFR 60.190\* may elect to comply with either the requirements of 40 CFR 63.845 or 40 CFR 60, Subpart S\*.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart LL\*, national emission standards for hazardous air pollutants for primary aluminum reduction plants.

\*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 20-24-1; filed Oct 9, 1998, 3:54 p.m.: 22 IR 423; filed May 21, 2002, 10:20 a.m.: 25 IR 3101*)

**Rule 25. Emissions from Reinforced Plastics Composites Fabricating Emission Units**

**326 IAC 20-25-1 Applicability**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 1. (a) This rule applies to owners or operators of sources that emit or have the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs, and that meet all of the following criteria:

- (1) Manufacture reinforced plastics composites parts, products, or watercraft.
- (2) Have an emission unit where resins and gel coats that contain styrene are applied and cured using the open molding process.
- (3) Have actual emissions of styrene equal to or greater than three (3) tons per year.

(b) Except as provided in section 3(e) of this rule, in the event there is a conflict between this rule and any existing federal or state statute or federal or state rule, the more stringent requirement shall apply. (*Air Pollution Control Board; 326 IAC 20-25-1; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2406*)

**326 IAC 20-25-2 Definitions**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 2. The following definitions apply throughout this rule:

- (1) "Air-assisted airless spray technology" means a coating application system in which:
  - (A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and
  - (B) air is combined at the spray cap of the gun.
- (2) "Airless spray technology" means a coating application system in which:
  - (A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and
  - (B) air is not added to the gun.
- (3) "Base coat gel coat" means an interior gel coat, used in boat building, to protect the laminate.
- (4) "Class I flame and smoke products" means the following:
  - (A) For products meeting a building code, products that meet any one (1) of the following Flame Spread and Smoke Intensity numbers as tested by American Society for Testing and Materials (ASTM) E84-99\*\*:
    - (i) Interior; flame spread less than twenty-five (25) and smoke intensity less than four hundred fifty (450).
    - (ii) Exterior; flame spread less than twenty-five (25).
    - (iii) Duct; flame spread less than twenty-five (25) and smoke intensity less than fifty (50).
  - (B) For products designed for mass transit application, products that meet all of the following:
    - (i) Flame spread measured by ASTM E162-98\*\* less than thirty-five (35).
    - (ii) Smoke intensity by ASTM E662-97\*\* less than one and five-tenths (1.5) at one and five-tenths (1.5) minutes and less than two hundred (200) at four (4) minutes.
- (5) "Clear gel coat" means a gel coat that contains no pigments.
- (6) "Compression molding" means the use of a prepared compound, such as sheet molding compound (SMC), composed of resin and fiberglass fibers and a large hydraulic press to produce fiber reinforced plastic parts.
- (7) "Controlled spray" means a work practice standard that reduces emissions by increasing material transfer and reducing overspray. The following are elements of controlled spraying which work together to reduce emissions:
  - (A) Operation of the spray gun at the lowest fluid tip pressure, which produces an acceptable spray pattern.
  - (B) Operator training that teaches proper spray gun handling techniques.
  - (C) The use of close containment mold flanges to minimize overspray off the mold.
- (8) "Cured resin or gel coat" means resin or gel coat that has changed irreversibly from a liquid to a solid.
- (9) "Delivered to the applicator" means a resin or gel coat actually applied to an open mold, excluding any inert filler, fiberglass mat, or fiberglass roving.
- (10) "Existing sources" means sources or emission units for which the owner or operator has received all necessary



construction or reconstruction permits prior to June 28, 1998, as set forth in 326 IAC 2-4.1-1.

(11) "Filament winding" means the application of resin to strands of glass using a resin bath or other applicator and then winding the wet glass onto the mold or part.

(12) "Filled resin" means a resin containing inert filler material equal to or greater than thirty-five percent (35%) by weight.

(13) "Gel coat" means a thermosetting resin, either pigmented or clear, that contains styrene (CAS No. 100-42-5), and provides a cosmetic enhancement or protects the underlying layers of a plastic composites material. Gel coat does not include thermoplastic material, such as polyethylene or thermosetting coatings, that do not contain styrene, such as epoxies.

(14) "HAP monomer content" means the percent, by weight, of monomer that has been classified as a hazardous air pollutant (HAP) contained in a resin or gel coat, as delivered to the applicator, and excluding any inert filler, fiberglass mat, or fiberglass roving.

(15) "High-volume, low-pressure air atomized spray technology" means a coating application system that is operated at an air pressure of less than ten (10) pounds per square inch gauge (psig) at the air cap of the spray gun.

(16) "Inert filler" means any non-HAP material, such as silica micro-spheres or micro-balloons, added to a resin or gel coat to alter density of the resin or gel coat or change other physical properties of the resin or gel coat. The term does not include pigments.

(17) "Manual application" means hand application using bucket and paint brush or paint roller, or other hand held methods of application.

(18) "Mold" means a hollow form or matrix for shaping a liquid or plastic substance.

(19) "New sources" means those sources or emission units that must comply with 326 IAC 2-4.1-1.

(20) "Nonatomized application equipment" means the devices where resin or gel coat material does any of the following:

(A) Flows from the applicator, in a steady state in a observable coherent flow, without droplets, for a minimum distance of three (3) inches from the applicator orifices such as flow coaters, flow choppers, and fluid impingement equipment.

(B) Is mechanically dispensed within or on to a paint roller applicator such as pressure fed rollers.

(C) Is deposited on fiber reinforcement moving through a resin or gel coat bath such as resin impregnators.

(21) "Noncorrosion resistant resin" means a resin that does not meet the criteria of corrosion resistant resin in the specialty product resins definition.

(22) "Open molding process" means the application of resin or gel coat to an open mold by any method.

(23) "Pigmented gel coat" means a gel coat that contains a coloring substance.

(24) "Pressure fed roller" means a fabric roller that is fed a continuous supply of catalyzed resin from a mechanical fluid pump.

(25) "Production gel coat" means a gel coat that is used to manufacture parts, products, or watercraft, and does not include patch repair or touch-up activities.

(26) "Production resin" means any thermosetting resin that is used to manufacture parts, products, or watercraft, and does not include patch repair or touch-up activities.

(27) "Resin" means any thermosetting resin that contains styrene (CAS No. 100-42-5), methyl methacrylate (CAS No. 80-62-6), or both and is used to manufacture parts, products, or watercraft. Resin does not include gel coat, tooling gel coat, thermoplastic resin (for example, rotationally molded polyethylene), or thermosetting resin that does not contain styrene or methyl methacrylate (for example, epoxies).

(28) "Shrinkage controlled resin" means resin that relies on a balance of solution thermodynamics that permits three (3) phases (thermosetting polymer, styreneated thermoplastic, and styrene monomer) and produces less than or equal to one and five-tenths percent (1.5%) linear shrinkage when tested in neat (unfilled, nonreinforced) form by ASTM D2566-86\*\*.

(29) "Specialty product resins" includes the following resins:

(A) Corrosion resistant resin is used to produce a product that meets any of the following criteria:

(i) Will be exposed to any of the following:

(AA) Materials with a pH equal to or greater than twelve (12.0) pH units or equal to or less than three (3.0) pH units.

(BB) Oxidizing agents.

(CC) Reducing agents.

(DD) Organic solvents.

(EE) Fuels or fuel additives as defined in 40 CFR 79.2\*.

(ii) Complies with industry standards that require specific exposure testing for corrosive media.

- (iii) Is manufactured to an accepted federal and industry standard for corrosion resistant, potable water contact or food contact applications.
- (iv) Is manufactured specifically for an application that requires increased chemical inertness or resistance to chemical attack.
- (B) High strength resin exhibiting a tensile strength of ten thousand (10,000) or more pounds per square inch when tested according to ASTM D638-98\*\*.
- (C) Resin used to meet military specifications.
- (D) Skin coat resin, a thin protective layer of resin, used in watercraft production or other products, applied between the gel coat and laminate that provides corrosion resistance and prevents osmotic blistering.
- (30) "Tooling gel coat" means the gel coat used in the construction of molds or prototypes (plugs).
- (31) "Tooling resin" means the resin used in the construction of molds or prototypes (plugs).
- (32) "Vacuum bagging" means a partially closed molding technology where, after resin has been applied, a flexible cover is placed over the wet surface, sealed, and a vacuum pump is used to draw the air out from under the cover and press the cover down onto the part.
- (33) "Vapor suppressed resin" is a polyester resin material that contains additives to reduce volatile organic compound (VOC) evaporation loss to less than sixty (60) grams per square meter of surface area as determined and certified by resin manufacturers.
- (34) "Watercraft" means any motorized or nonmotorized device in which or by means of which a person may be transported upon the water, excluding seaplanes.

\*Copies of the Code of Federal Regulations referenced in this article are available for copying from the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana or may be obtained from the Government Printing Office, Washington, D. C. 20204.

\*\*Copies of American Society for Testing Materials methods are available for copying from the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana; ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; or the public library. (*Air Pollution Control Board; 326 IAC 20-25-2; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2407*)

**326 IAC 20-25-3 Emission standards**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-17-3

Sec. 3. (a) Except as provided in subsections (e), (f), and (h), owners and operators of sources subject to this rule shall comply with the provisions of this section on or before January 1, 2002. The total HAP monomer content of the following materials shall be limited depending on the application method and products produced as specified in the following tables:

TABLE I Fiber Reinforced Plastics Composites Products Except Watercraft	HAP Monomer Content, Weight Percent
<b>Resin, Manual, or Mechanical Application</b>	
Production-Specialty Products	48*
Production-Noncorrosion Resistant Unfilled	35*
Production-Noncorrosion Resistant Filled (≥35% by weight)	38
Production, Noncorrosion Resistant, Applied to Thermoformed Thermoplastic Sheet	42
Production, Class I, Flame and Smoke Shrinkage Controlled	60*
Tooling	52
Tooling	43
<b>Gel Coat Application</b>	
Production-Pigmented	37
Clear Production	44
Tooling	45

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TABLE I Fiber Reinforced Plastics Composites Products Except Watercraft	HAP Monomer Content, Weight Percent
Production-Pigmented, subject to ANSI <sup>a</sup> standards	45
Production-Clear, subject to ANSI <sup>a</sup> standards	50

<sup>a</sup> American National Standards Institute.

TABLE II Watercraft Products	HAP Monomer Content, Weight Percent
Resin, Manual, or Mechanical Application	
Production-Specialty Products	48*
Production-Noncorrosion Resistant Unfilled	35*
Production-Noncorrosion Resistant Filled (≥35% by weight)	38
Shrinkage Controlled	52
Tooling	43*
Gel Coat Application	
Production-Pigmented and Base Coat Gel Coat	34
Clear Production and Tooling	48

\*Categories that must use mechanical nonatomized application technology or manual application as stated in subsection (b).

(b) Except as provided in subsection (f), the following categories of materials in subsection (a) shall be applied using mechanical nonatomized application technology or manual application:

- (1) Production noncorrosion resistant, unfilled resins from all sources.
- (2) Production, specialty product resins from all sources.
- (3) Tooling resins used in the manufacture of watercraft.
- (4) Production resin used for Class I flame and smoke products.

(c) Unless specified in subsection (b), gel coat application and mechanical application of resins shall be by any of the following spray technologies:

- (1) Nonatomized application technology.
- (2) Air-assisted airless.
- (3) Airless.
- (4) High volume, low pressure.
- (5) Equivalent emission reduction technologies to subdivisions (2) through (4).

(d) Cleaning operations for resin and gel coat application equipment are as follows:

- (1) For routine flushing of resin and gel coat application equipment such as spray guns, flowcoaters, brushes, rollers, and squeegees, a cleaning solvent shall contain no HAPs. This emission standard does not apply to solvents used for removing cured resin or gel coat from application equipment.
- (2) A source must store HAP containing solvents used for removing cured resin or gel coat in containers with covers. The covers must have no visible gaps and must be in place at all times, except when equipment is placed in or removed from the container.
- (3) Recycled cleaning solvents that contain less than or equal to five percent (5%) HAP by weight are considered to contain no HAP for the purposes of this subsection.

(e) A source that was issued a permit pursuant to 326 IAC 2 on or after June 28, 1998, but prior to the effective date of this rule, and that obtained a revised best available control technology (BACT) determination in the permit for emission units, is not subject to this section until the permit is renewed, or the emission unit undergoes a modification that increases the potential to emit styrene.

(f) A new or reconstructed emission unit subject to 326 IAC 2-4.1-1 is not subject to the requirements of this section.

(g) The owner or operator of a source subject to this rule may comply with this section using monthly emission averaging within each resin or gel coat application category listed in subsection (a) without prior approval by the commissioner.

(h) Upon written application by the source, the commissioner may approve the following:

(1) Enforceable alternative emission reduction techniques that are at least equally protective of the environment as the emission standards in subsections (a) through (d).

(2) Use of monthly emissions averaging for any or all material or application categories listed in subsection (a) if the following conditions are met:

(A) The source shows that emissions did not exceed the emissions that would have occurred if each emission unit had met the requirements of subsections (a) through (c).

(B) The source uses any one (1) or a combination of the following emission reduction techniques:

- (i) Resins or gel coats with HAP monomer contents lower than specified in subsection (a).
- (ii) Vapor suppressed resins.
- (iii) Vacuum bagging or other similar technique. This item does not include resin transfer molding or compression molding.
- (iv) Air pollution control equipment where the emissions are estimated based on parametric measurements or stack monitoring.
- (v) Controlled spray used in combination with automated actuators or robots.
- (vi) Controlled spray that includes the following:
  - (AA) Mold flanges.
  - (BB) Spray technique.
  - (CC) Spray gun pressure.
  - (DD) Means of verifying continuous use of the controlled spray technique, such as mass balance of materials and products (surface area and thickness of product) as approved by the commissioner prior to implementation.
- (vii) Emission reduction techniques approved under subdivision (1).

Sources using averaging shall not use spray equipment that produces higher emissions than the equipment specified in subsections [*sic.*, *subsection*] (c)(2) through (c)(5).

(i) To determine emission estimates, the following references or methods shall be used:

- (1) "Unified Emission Factors for Open Molding of Composites", April 1999\*, except use of controlled spray emission factors must be approved by the commissioner.
- (2) "Compilation of Emission Factors", Volume 1, Fifth Edition, and supplements, January 1995\*, except for hand layup and spray layup operations emission factors.
- (3) Site-specific values or other means of quantification provided the site-specific values and the emission factors are acceptable to the commissioner and the U.S. EPA.

\*Copies of the "Compilation of Emission Factors" and "Unified Emission Factors for Open Molding of Composites" referenced in this article are available for copying from the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-25-3; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2408*)

**326 IAC 20-25-4 Work practice standards**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 4. On or before March 1, 2001, each owner or operator of a source or emission unit subject to this rule shall operate in accordance with the following work practice standards:

- (1) Nonatomizing spray equipment shall not be operated at pressures that atomize the material during the application process.
- (2) Except for mixing containers as described in subsection [*sic.*, *subdivision*] (7), HAP containing materials shall be kept in a closed container when not in use.
- (3) Solvents sprayed during cleanup and resin changes shall be directed into solvent collection containers.
- (4) Solvent collection containers shall be kept closed when not in use.
- (5) Clean-up rags with solvent shall be stored in closed containers.
- (6) Closed containers shall be used for the storage of the following:
  - (A) All production and tooling resins that contain HAPs.
  - (B) All production and tooling gel coats that contain HAPs.

- (C) Waste resins and gel coats that contain HAPs.
- (D) Cleaning materials, including waste cleaning materials.
- (E) Other materials that contain HAPs.

(7) All resin and gel coat mixing containers with a capacity equal to or greater than fifty-five (55) gallons must have a cover with no visible gaps in place at all times except when material is being added to or removed from a container, or when mixing or pumping equipment is being placed in or removed from a container.

*(Air Pollution Control Board; 326 IAC 20-25-4; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2410)*

### **326 IAC 20-25-5 Testing requirements**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 5. (a) An initial performance test is required when using air pollution control equipment to demonstrate compliance with the standards in section 3 of this rule. Testing shall be performed in accordance with 326 IAC 3-6, concerning source sampling procedures, and 40 CFR 63.7 (July 1, 1998)\*, performance testing requirements.

(b) When using air pollution control equipment to demonstrate compliance with the standards in section 3 of this rule, the following test methods shall be used:

- (1) 40 CFR 60, Method 25/25A, Appendix A (July 1, 1998)\*, shall be used to measure total hydrocarbon emissions.
- (2) 40 CFR 60, Method 18, Appendix A (July 1, 1998)\*, shall be used to measure styrene and methyl methacrylate emissions.
- (3) 40 CFR 51, Method 204, Appendix M (July 1, 1998)\*, shall be used to determine capture efficiency. As an alternative to the procedures specified in 40 CFR 51, Method 204, Appendix M (July 1, 1998)\*, an owner or operator required to conduct a capture efficiency test may use any capture efficiency protocol and test methods that satisfy the criteria of either the data quality objective or the lower confidence limit approach as described in the EPA Guidelines for Determining Capture Efficiency, which is included in Appendix A to Subpart KK to 40 CFR Part 63 (July 1, 1998)\*. The owner or operator may exclude work stations that have never been subject to such capture efficiency determinations.

(c) Compliance with the HAP monomer content and usage limitations shall be determined using one (1) of the following:

- (1) The manufacturer's certified product data sheet.
- (2) The manufacturer's material safety data sheet.
- (3) Sampling and analysis, using any of the following test methods, as applicable:
  - (A) 40 CFR 60, Method 24, Appendix A (July 1, 1998)\*, shall be used to measure the total volatile HAP content of resins and gel coats. Method 24 may be modified for measuring the volatile HAP content of resins or gel coats to require that the procedure be performed on uncatalyzed resin or gel coat samples.
  - (B) 40 CFR 63, Method 311, Appendix A (July 1, 1998)\*, shall be used to measure HAP content in resins and gel coats by direct injection into a gas chromatograph.
  - (C) Upon written application by the source, the commissioner may approve an alternative test method.

When a MSDS, a certified product data sheet, or other document specifies a range of values, the values resulting in the greatest calculated emissions shall be used for determining compliance with this rule.

\*Copies of the Code of Federal Regulation (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D. C. 20204 or are available for copying from the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 20-25-5; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2410)*

### **326 IAC 20-25-6 Record keeping requirements**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 6. (a) On and after January 1, 2002, each owner or operator of a source or emission unit subject to this rule shall maintain records that are complete and sufficient to establish compliance with the requirements of this rule. Examples of such records are as follows:

- (1) Purchase orders.
- (2) Invoices.
- (3) Material safety data sheets (MSDS).

- (4) Manufacturer's certified product data sheets.
- (5) Calculations.
- (6) Other records to confirm compliance.

(b) The owner or operator shall maintain records of all information, including all reports and notifications required by this rule. Such records shall be recorded in a form suitable and readily available for inspection and review. Except as provided in section 8(d) [of this rule], the records shall be retained for at least five (5) years following the date of each occurrence, measurement, or record. At a minimum, the most recent two (2) years of data shall be retained on site. The remaining three (3) years of data may be retained off site. (*Air Pollution Control Board; 326 IAC 20-25-6; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2411*)

### **326 IAC 20-25-7 Reporting requirements**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 7. (a) On or before June 1, 2001, the owner or operator of a source subject to this rule shall submit an initial notification report to the commissioner. The notification report shall include all of the following:

- (1) Name and address of the owner or operator.
- (2) Address of the physical location of the source.
- (3) Statement verifying that the source is subject to the rule signed by a responsible official as set forth in 326 IAC 2-7-1(34).

(b) On or before March 1, 2002, the owner or operator of a source subject to this rule shall submit an initial statement of compliance to the commissioner. The initial statement of compliance shall include all of the following:

- (1) Name and address of the owner or operator.
- (2) Address of the physical location.
- (3) Statement signed by a responsible official, as set forth in 326 IAC 2-7-1(34), certifying that the source achieved compliance on or before January 1, 2002, the method used to achieve compliance, and that the source is in compliance with all the requirements of this rule.

(c) Sources using monthly emissions averaging pursuant to section 3(h)(2) of this rule shall submit a quarterly summary report and supporting calculations. (*Air Pollution Control Board; 326 IAC 20-25-7; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2411*)

### **326 IAC 20-25-8 Operator training**

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 8. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in resin and gel coat spraying and spray-like applications (for example, those applications that could result in excess emissions if performed improperly) according to the following schedule:

- (1) All personnel hired after the effective date of this rule shall be trained within fifteen (15) days of hiring.
- (2) All personnel hired before the effective date of this rule shall be trained or evaluated by a supervisor within thirty (30) days of the effective date of this rule.
- (3) To ensure training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (4) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.
- (5) If the result of an evaluation shows that training is needed, such training shall occur within fifteen (15) days of the evaluation.

(b) The lesson plans shall cover, for the initial and refresher training, at a minimum, all of the following topics:

- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and available for inspection and review:

- (1) A copy of the current training program.
- (2) A list of all current personnel, by name, that are required to be trained and the dates they were trained and the date of the most recent refresher training.

(d) Records of prior training programs and former personnel are not required to be maintained. (*Air Pollution Control Board; 326 IAC 20-25-8; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2411; errata filed Apr 9, 2001, 2:52 p.m.: 24 IR 2470*)

**Rule 26. Shipbuilding and Ship Repair Surface Coating Operations**

**326 IAC 20-26-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) This rule applies to affected sources as defined in 40 CFR 63.781\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart II\*, National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair Surface Coating Operations.

(c) Sources, as defined in 326 IAC 8-12-1, that are subject to this rule, may be subject to 326 IAC 8-12. Sources subject to this rule and 326 IAC 8-12-5 through 326 IAC 8-12-7 shall comply with the requirements of 40 CFR 63.784 through 40 CFR 63.788\* in lieu of 326 IAC 8-12-5 through 326 IAC 8-12-7.

\*These documents are incorporated by reference. Copies of [*sic.*] 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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-26-1; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3617; filed May 21, 2002, 10:20 a.m.: 25 IR 3101*)

**Rule 27. Portland Cement Manufacturing Industry**

**326 IAC 20-27-1 Portland cement manufacturing industry; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to each new and existing Portland cement plant as provided in 40 CFR 63.1340, 64 FR 31898 (June 14, 1999)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart LLL, 64 FR 31898 (June 14, 1999)\*, and 64 FR 53070 (September 30, 1999)\*, National Emission Standards for Portland Cement Manufacturing Industry.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-27-1; filed Jun 15, 2001, 12:10 p.m.: 24 IR 3618*)

**Rule 28. Hazardous Waste Combustors**

**326 IAC 20-28-1 Hazardous waste combustors; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all hazardous waste combustors as provided in 40 CFR 63.1200, 64 FR 52828 (September 30, 1999)\*, including the following:

- (1) Hazardous waste incinerators.
- (2) Hazardous waste-burning cement kilns.
- (3) Hazardous waste-burning lightweight aggregate kilns.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEE, 64 FR 52828 (September 30, 1999)\*, 64 FR 63209 (November 19, 1999)\*, 65 FR 42292 (July 10, 2000)\*, and 65 FR 67268 (November 9, 2000)\*, National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, with the exception of the following sections:

- (1) 63.1206(a)(2), concerning sources that do not intend to comply.
- (2) 63.1210(b), concerning notification of intent to comply.
- (3) 63.1210(c), concerning public meeting and notice of intent to comply.
- (4) 63.1211(b), concerning compliance progress reports associated with the notification of intent to comply.
- (5) 63.1212(a), concerning certification of intent to comply.
- (6) 63.1212(b), concerning sources that begin burning hazardous waste after September 30, 1999.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402, or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (*Air Pollution Control Board; 326 IAC 20-28-1; filed Jun 21, 2001, 2:23 p.m.: 24 IR 3617; errata filed Oct 10, 2001, 3:34 p.m.: 25 IR 813*)

**Rule 29. (Reserved)**

**Rule 30. Oil and Natural Gas Production**

**326 IAC 20-30-1 Oil and natural gas production; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to owners and operators of emission points that are located at oil and natural gas production facilities as provided in 40 CFR 63.760\*.



(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HH\*, national emission standards for hazardous air pollutants from oil and natural gas production facilities.

\*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 20-30-1; filed Aug 3, 2001, 11:04 a.m.: 24 IR 3945; filed May 21, 2002, 10:20 a.m.: 25 IR 3102*)

### **Rule 31. Natural Gas Transmission and Storage**

#### **326 IAC 20-31-1 Natural gas transmission and storage; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to owners and operators of natural gas transmission and storage facilities as provided in 40 CFR 63.1270\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HHH\*, national emission standards for hazardous air pollutants from natural gas transmission and storage facilities.

\*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 20-31-1; filed Aug 3, 2001, 11:04 a.m.: 24 IR 3945; filed May 21, 2002, 10:20 a.m.: 25 IR 3102*)

### **Rule 32. Publicly Owned Treatment Works**

#### **326 IAC 20-32-1 Publicly owned treatment works; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of publicly owned treatment works as provided in 40 CFR 63.1580\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VVV\*, national emission standards for hazardous air pollutants: publicly owned treatment works.

\*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 20-32-1; filed Aug 3, 2001, 11:04 a.m.: 24 IR 3945; filed May 21, 2002, 10:20 a.m.: 25 IR 3102*)

### **Rule 33. Pulp and Paper Production; Noncombustion**

#### **326 IAC 20-33-1 Pulp and paper production, noncombustion; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of processes that produce pulp, paper, or paperboard, as provided in 40 CFR 63.440\*, 65 FR 80755 (December 22, 2000)\*, and that use any of the following processes and materials:

- (1) Kraft, soda, sulfite, or semichemical pulping processes.
- (2) Mechanical pulping processes.

(3) Any process using secondary or nonwood fibers.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart S\*, national emission standards for hazardous air pollutants from the pulp and paper industry.

\*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 20-33-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3940; filed May 21, 2002, 10:20 a.m.: 25 IR 3103*)

#### **Rule 34. Phosphoric Acid Manufacturing and Phosphate Fertilizers Production**

##### **326 IAC 20-34-1 Phosphoric acid manufacturing and phosphate fertilizers production; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each:

(1) phosphoric acid manufacturing plant as provided in 40 CFR 63.600\*; and

(2) phosphate fertilizers production plant as provided in 40 CFR 63.620\*.

(b) The air pollution control board incorporates by reference the following:

(1) 40 CFR 63, Subpart AA\*, national emission standards for hazardous air pollutants from phosphoric acid manufacturing plants.

(2) 40 CFR 63, Subpart BB\*, national emission standards for hazardous air pollutants from phosphate fertilizers production plants.

\*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 20-34-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3940; filed May 21, 2002, 10:20 a.m.: 25 IR 3103*)

#### **Rule 35. Tanks—Level 1**

##### **326 IAC 20-35-1 Tanks—level 1; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from tanks for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart OO for such air emission control as provided in 40 CFR 63.900\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart OO\*\*, national emission standards for tanks—level 1.

\*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.

\*\*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 Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-35-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3941; filed May 21, 2002, 10:20 a.m.: 25 IR 3103*)

**Rule 36. Containers**

**326 IAC 20-36-1 Containers; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from containers for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart PP for such air emission control as provided in 40 CFR 63.920\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PP\*\*, national emission standards for containers.

\*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.

\*\*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 20-36-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3941; filed May 21, 2002, 10:20 a.m.: 25 IR 3103*)

**Rule 37. Surface Impoundments**

**326 IAC 20-37-1 Surface impoundments; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from surface impoundments for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart QQ for such air emission control as provided in 40 CFR 63.940\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQ\*\*, national emission standards for surface impoundments.

\*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.

\*\*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 20-37-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3941; filed May 21, 2002, 10:20 a.m.: 25 IR 3104*)

**Rule 38. Individual Drain Systems**

**326 IAC 20-38-1 Individual drain systems; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from individual drain systems for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart RR for such air emission control as provided in 40 CFR 63.960\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RR\*\*, national emission standards for individual drain systems.

\*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.

\*\*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 20-38-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3942; filed May 21, 2002, 10:20 a.m.: 25 IR 3104*)

**Rule 39. Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process**

**326 IAC 20-39-1 Closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule include requirements for closed vent systems, control devices, and routing of air emissions to a fuel gas system or process. These provisions apply when another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart SS for such air emission control as provided in 40 CFR 63.980\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SS\*\*, national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.

\*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.

\*\*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 20-39-1; filed Aug 3, 2001, 10:59 a.m.:24 IR 3942; filed May 21, 2002, 10:20 a.m.: 25 IR 3105*)

**Rule 40. Equipment Leaks—Control Level 1**

**326 IAC 20-40-1 Equipment leaks—control level 1; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart TT for such air emission control as provided in 40 CFR 63.1000\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart TT\*\*, national emission standards for equipment leaks—control level 1.

\*Copies may be obtained from the Government Printing Office, 732 N. 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.

\*\*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 20-40-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3942; filed May 21, 2002, 10:20 a.m.: 25 IR 3105*)

**Rule 41. Equipment Leaks—Control Level 2**

**326 IAC 20-41-1 Equipment leaks—control level 2 standards; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart UU for such air emission control as provided in 40 CFR 63.1019\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UU\*\*, national emission standards for equipment leaks—control level 2 standards.

\*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.

\*\*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 20-41-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3943; filed May 21, 2002, 10:20 a.m.: 25 IR 3105*)

**Rule 42. Oil-Water Separators and Organic-Water Separators**

**326 IAC 20-42-1 Oil-water separators and organic-water separators; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the control of air emissions from oil-water separators and organic-water separators for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart VV for such air emission control as provided in 40 CFR 63.1040\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VV\*, national emission standards for oil-water separators and organic—water separators.

\*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.

\*\*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 20-42-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3943; filed May 21, 2002, 10:20 a.m.: 25 IR 3106*)

**Rule 43. Storage Vessels (Tanks)—Control Level 2**

**326 IAC 20-43-1 Storage vessels (tanks)—control level 2; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from storage vessels for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart WW for such air emission control as provided in 40 CFR

63.1060\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WW\*\*, national emission standards for storage vessels (tanks)—control level 2.

\*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.

\*\*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 20-43-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3943; filed May 21, 2002, 10:20 a.m.: 25 IR 3106*)

#### **Rule 44. Generic Maximum Achievable Control Technology**

##### **326 IAC 20-44-1 Generic maximum achievable control technology standards; applicability; incorporation by reference of federal standards**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to source categories and affected sources specified in 40 CFR 63.1100\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart YY\*, national emission standards for hazardous air pollutants for source categories; generic maximum achievable control technology standards.

\*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 20-44-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3943; filed May 21, 2002, 10:20 a.m.: 25 IR 3106*)

#### **Rule 45. Pesticide Active Ingredient**

##### **326 IAC 20-45-1 Pesticide active ingredient production; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to affected sources as provided in 40 CFR 63.1360\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMM\*, national emission standards for hazardous air pollutants for pesticide active ingredient production.

\*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 20-45-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3944; filed May 21, 2002, 10:20 a.m.: 25 IR 3107*)

#### **Rule 46. Mineral Wool Production**

##### **326 IAC 20-46-1 Mineral wool production; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to mineral wool production facilities as provided in 40 CFR 63.1177\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDD\*, national emission standards for hazardous air pollutants from mineral wool production.

\*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 20-46-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3944; filed May 21, 2002, 10:20 a.m.: 25 IR 3107*)

#### **Rule 47. Wool Fiberglass Manufacturing**

##### **326 IAC 20-47-1 Wool fiberglass manufacturing; applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each wool fiberglass manufacturing facility as provided in 40 CFR 63.1380\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart NNN\*, national emission standards for hazardous air pollutants for wool fiberglass manufacturing.

\*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 20-47-1; filed Aug 3, 2001, 10:59 a.m.: 24 IR 3944; filed May 21, 2002, 10:20 a.m.: 25 IR 3107*)

#### **ARTICLE 21. ACID DEPOSITION CONTROL**

##### **Rule 1. General Provisions**

##### **326 IAC 21-1-1 Incorporation of federal regulations**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The air pollution control board incorporates by reference the provisions of 40 CFR 72 through 40 CFR 78\* for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act and to incorporate monitoring, record keeping, and reporting requirements for nitrogen oxide emissions to demonstrate compliance with nitrogen oxides emission reduction requirements.

(b) The following definitions apply throughout this section:

(1) "Administrator" means the administrator of the U.S. EPA.

(2) "Permitting authority" means the commissioner of the department of environmental management.

(c) If the provisions or requirements established in subsection (a) conflict with or are not included in the provisions of 326 IAC 2-7 and 326 IAC 2-8, the provisions and requirements of 40 CFR 72 through 40 CFR 78\* apply and take precedence.

\*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 21-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283; filed Dec 1, 1997, 4:30 p.m.: 21 IR 1285; filed Mar 23, 2001, 3:06 p.m.: 24 IR 2429; filed May 21, 2002, 10:20 a.m.: 25 IR 3107*)

**ARTICLE 22. STRATOSPHERIC OZONE PROTECTION**

**Rule 1. General Provisions**

**326 IAC 22-1-1 Incorporation of federal regulations**

Authority: IC 13-1-1-4; IC 13-7-10

Affected: IC 13-7

Sec. 1. (a) The air pollution control board incorporates by reference the provisions of 40 CFR 82\* for purposes of implementing the stratospheric ozone protection program that meets the requirements of Title VI of the Clean Air Act with respect to sources operating pursuant to a Part 70 permit.

(b) The term "permitting authority" shall mean the commissioner of the department of environmental management, and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency.

(c) If the provisions or requirements of 40 CFR 82\* conflict with or are not included in 326 IAC 2-7, the provisions and requirements of 40 CFR 82 shall apply and take precedence.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 22-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283*)

**ARTICLE 23. LEAD-BASED PAINT PROGRAM**

**Rule 1. Definitions**

**326 IAC 23-1-1 Applicability**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 1. The definitions in this rule apply throughout this article. (*Air Pollution Control Board; 326 IAC 23-1-1; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1431; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-2 "Abatement" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 2. (a) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(b) The term includes, but is not limited to, the following:

(1) The removal of lead-based paint and lead-contaminated dust.

(2) The permanent enclosure or encapsulation of lead-based paint.

(3) The replacement of lead-painted surfaces or fixtures.

(4) The removal or permanent covering, such as with pavement or concrete, of lead-contaminated soil.

(5) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures as described in this subdivision.

(6) A project for which there is a written contract or other documentation, that provides that a person will be conducting activities in, or to, a residential dwelling or child-occupied facility that:

(A) results in the permanent elimination of lead-based paint hazards; or

(B) is designed to permanently eliminate lead-based paint hazards as are described in subdivisions (1) through (5).

(7) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons licensed under this article and IC 13-17-14 unless the project is described under subsection (c).

(8) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons who, through the



person's company name or promotional literature represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless the projects are described under subsection (c).

(9) A project resulting in the permanent elimination of lead-based paint hazards that is conducted in response to state or local abatement orders.

(c) The term does not include the following:

(1) Renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but are designed to repair, restore, or remodel a structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.

(2) Interim controls, operations or maintenance activities, or other measures designed to temporarily, but not permanently, reduce lead-based paint hazards.

*(Air Pollution Control Board; 326 IAC 23-1-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1431; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-3 “Adequate quality control” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 3. “Adequate quality control” means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. The term also includes provisions for representative sampling. *(Air Pollution Control Board; 326 IAC 23-1-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1432; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-4 “Approved initial training course” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 4. “Approved initial training course” and “approved refresher training course” means a course approved by the department pursuant to this article for the purposes of providing initial or refresher training to persons to become licensed under 326 IAC 23-2. Between October 1, 1990, and the effective date of this article, an approved initial or refresher training course may include a course:

(1) approved by the department;

(2) that has full or contingent approval by the U.S. EPA; or

(3) that has been approved by a U.S. EPA-authorized state or tribal accredited training curriculum.

*(Air Pollution Control Board; 326 IAC 23-1-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1432; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-5 “Approved training course provider” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 5. “Approved training course provider” means a training course provider who has been approved by the department to provide training for individuals engaged in lead-based paint activities. This approval is specific to each discipline and to each initial or refresher training course and is not an overall approval to provide training for all training courses. *(Air Pollution Control Board; 326 IAC 23-1-5; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1432; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-6 “Certificate of training” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 6. “Certificate of training” means a document issued by an approved initial or refresher training course provider to a

person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for such course. A certificate of training issued to a person seeking licensing by the department shall be invalid if such certificate of training is issued by a training course provider who is such person's partner or employer or a subsidiary entity of such person's employer. (*Air Pollution Control Board; 326 IAC 23-1-6; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1432; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-7 "Child-occupied facility" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 7. "Child-occupied facility" means a building or portion of a building that:

- (1) was constructed prior to January 1, 1978;
- (2) does not qualify as target housing; and
- (3) is visited regularly by a child who is six (6) years of age or younger and any of the following conditions exist for the building or portion of the building:

(A) The child visits at least two (2) days a week (Sunday through Saturday) and each of the visits last at least three (3) hours.

(B) The child visits at least six (6) hours each week.

(C) The child's combined annual visits during a calendar year total at least sixty (60) hours.

The term includes day care centers, preschools, and kindergarten classrooms. (*Air Pollution Control Board; 326 IAC 23-1-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1432; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-8 "Clearance levels" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 8. "Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity. (*Air Pollution Control Board; 326 IAC 23-1-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-9 "Common area" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 9. "Common area" means a portion of a building that is generally accessible to all occupants or users. The term includes, but is not limited to, the following:

- (1) A hallway.
- (2) A stairway.
- (3) A laundry room.
- (4) A recreational room.
- (5) A playground.
- (6) A community center.
- (7) A garage.
- (8) A boundary fence.

(*Air Pollution Control Board; 326 IAC 23-1-9; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-10 "Completion date" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 10. "Completion date" means a final visual inspection has been completed by the Indiana licensed risk assessor or inspector, it is determined that no dust, debris, or residue is present in the work area, and warning signs and demarcation can be removed. (*Air Pollution Control Board; 326 IAC 23-1-10; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-11 "Component or building component" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 11. "Component or building component" means a specific design or structural element or fixture of a building, residential dwelling, or child-occupied facility that is distinguished from each other by form, function, and location, including the following:

(1) The term includes, but is not limited to, the following interior components:

- (A) Ceilings.
- (B) Crown molding.
- (C) Walls.
- (D) Chair rails.
- (E) Doors and door trim.
- (F) Floors.
- (G) Fireplaces.
- (H) Radiators and other heating units.
- (I) Shelves and shelf supports.
- (J) Stair treads, stair risers, stair stringers, newel posts, railing caps, and balustrades.
- (K) Windows and trim, including sashes, window heads, jambs, sills and stools, and troughs.
- (L) Built-in cabinets.
- (M) Columns and beams.
- (N) Bathroom vanities.
- (O) Counter tops.
- (P) Air conditioners.

(2) The term includes, but is not limited to, the following exterior components:

- (A) Painted roofing.
- (B) Chimneys.
- (C) Flashing.
- (D) Gutters and down spouts.
- (E) Ceilings.
- (F) Soffits, fascias, rake boards, corner boards, and bulkheads.
- (G) Doors and door trim.
- (H) Fences.
- (I) Floors and joists.
- (J) Lattice work.
- (K) Railings and railing caps, handrails, stair risers, treads, stair stringers, columns, or balustrades.
- (L) Window sills or stools, troughs, casings, sashes, and wells.
- (M) Siding.
- (N) Air conditioners.

(*Air Pollution Control Board; 326 IAC 23-1-11; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-12 "Containment" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 12. "Containment" means a process to protect workers and the environment by controlling exposures to the lead-

contaminated dust and debris created during abatement. (*Air Pollution Control Board; 326 IAC 23-1-12; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-13 “Course agenda” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 13. “Course agenda” means an outline of the key course topics to be covered during a training course, including the time allotted to teach each course of study. (*Air Pollution Control Board; 326 IAC 23-1-13; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1433; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-14 “Course test” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 14. “Course test” means an evaluation of the overall effectiveness of the training that tests the trainees’ knowledge and retention of the course of study covered during the course. (*Air Pollution Control Board; 326 IAC 23-1-14; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-15 “Course test blueprint” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 15. “Course test blueprint” means written documentation identifying the proportion of course test questions devoted to each major course of study in the course curriculum. (*Air Pollution Control Board; 326 IAC 23-1-15; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-16 “Department” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 16. “Department” means the Indiana department of environmental management. (*Air Pollution Control Board; 326 IAC 23-1-16; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-17 “Deteriorated paint” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 17. “Deteriorated paint” means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component. (*Air Pollution Control Board; 326 IAC 23-1-17; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-18 “Discipline” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 18. “Discipline” means one (1) of the following specific types or categories of lead-based paint activities identified in this article for which individuals may receive training from approved programs and become licensed by the department:

- (1) Inspector.
- (2) Risk assessor.
- (3) Project designer.

- (4) Supervisor.
- (5) Worker.
- (6) Contractor.

*(Air Pollution Control Board; 326 IAC 23-1-18; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-19 “Distinct painting history” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 19. “Distinct painting history” means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room. *(Air Pollution Control Board; 326 IAC 23-1-19; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-20 “Documented methodologies” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 20. “Documented methodologies” means methods or protocols used to sample for the presence of lead in paint, dust, and soil. *(Air Pollution Control Board; 326 IAC 23-1-20; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-21 “Dripline” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 21. “Dripline” means the farthest extended point around a foundation where water drips off the building onto the ground, including, but not limited to, gutters, overhangs, soffits, and porches. *(Air Pollution Control Board; 326 IAC 23-1-21; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-22 “Elevated blood lead level” or “EBL” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 22. “Elevated blood lead level” or “EBL” means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of:

- (1) twenty (20) micrograms of lead per deciliter of whole blood for one (1) venous test; or
- (2) fifteen (15) to nineteen (19) micrograms of lead per deciliter of whole blood in two (2) consecutive tests taken three (3) to four (4) months apart.

*(Air Pollution Control Board; 326 IAC 23-1-22; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-23 “Emergency abatement operations” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 23. “Emergency abatement operations” means an unplanned operation that results from a sudden unexpected event, that if not immediately attended to presents a safety or public health hazard. *(Air Pollution Control Board; 326 IAC 23-1-23; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-24 “Encapsulant” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 24. “Encapsulant” means:

(1) a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials; or

(2) an adhesively bonded covering material.

*(Air Pollution Control Board; 326 IAC 23-1-24; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1434; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-25 “Encapsulation” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 25. “Encapsulation” means the application of an encapsulant. *(Air Pollution Control Board; 326 IAC 23-1-25; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-26 “Enclosure” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 26. “Enclosure” means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment. *(Air Pollution Control Board; 326 IAC 23-1-26; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-27 “Facility” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 27. “Facility” means any institutional, commercial, public, industrial, or residential building or structure. *(Air Pollution Control Board; 326 IAC 23-1-27; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-28 “Fund” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 28. “Fund”, for the purposes of IC 13-17-14 and this article, means the Lead Trust Fund. *(Air Pollution Control Board; 326 IAC 23-1-28; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-29 “Guest instructor” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 29. “Guest instructor” means an individual designated by the training curriculum manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of the training course. *(Air Pollution Control Board; 326 IAC 23-1-29; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-30 “Hands-on skills assessment” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 30. "Hands-on skills assessment" means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures as well as any other skill taught in a training course. (*Air Pollution Control Board; 326 IAC 23-1-30; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-31 "Hazardous waste" defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 31. "Hazardous waste" means any waste as defined in 40 CFR 261.3\* or 329 IAC 3.1.

\*Copies of Title 40 of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-1-31; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-32 "High efficiency particle air" or "HEPA" defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 32. "High efficiency particle air" or "HEPA" means a filter capable of filtering out particles of three-tenths (0.3) micron or greater from a body of air at ninety-nine and ninety-seven hundredths percent (99.97%) efficiency or greater. (*Air Pollution Control Board; 326 IAC 23-1-32; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-33 "Inspection" defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 33. "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. (*Air Pollution Control Board; 326 IAC 23-1-33; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-34 "Interim controls" defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 34. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following:

- (1) Specialized cleaning.
- (2) Repairs.
- (3) Maintenance.
- (4) Painting.
- (5) Temporary containment.
- (6) Ongoing monitoring of lead-based paint hazards or potential hazards.
- (7) The establishment and operation of management and resident education programs.

(*Air Pollution Control Board; 326 IAC 23-1-34; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-35 "Lead-based paint" defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 35. "Lead-based paint" means paint or another surface coating that contains lead in an amount equal to or greater than:

- (1) one (1) milligram per square centimeter; or
- (2) five-tenths percent (0.5%) by weight.

*(Air Pollution Control Board; 326 IAC 23-1-35; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-36 "Lead-based paint activities" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 36. "Lead-based paint activities" means the inspection, risk assessment, and abatement of lead-based paint in target housing and child-occupied facilities. The term includes project design and supervision. *(Air Pollution Control Board; 326 IAC 23-1-36; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-37 "Lead-based paint hazard" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 37. (a) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the U.S. EPA under Toxics Substances Control Act (TSCA), Section 403, 15 U.S.C. 2683\*.

(b) Effective June 1, 1999, pursuant to Section 406(b) of the TSCA, persons who perform renovations shall provide a lead hazard information pamphlet "Protect Your Family From Lead in Your Home"\*\*\* under the following conditions:

- (1) The renovation is to target housing.
- (2) The renovation is for compensation, including money or services.
- (3) The renovation will disturb more than two (2) square feet of paint per component.

Work performed by do-it-yourselfers in their own homes is excluded from the requirements of this subsection.

\*Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*\*Copies of the lead hazard information pamphlet, in bulk, may be obtained from the Government Printing Office, Washington, D.C. 20402 or the National Lead Information Center at (800) 424-LEAD. Single copies are also available at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 23-1-37; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-38 "Lead-contaminated dust" defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 38. "Lead-contaminated dust" means surface dust in residential dwellings or child-occupied facilities that contain an area or mass concentration of lead at, or in excess of, levels identified by the U.S. EPA under TSCA Section 403, 15 U.S.C. 2683\*.

\*Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 23-1-38; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*



**326 IAC 23-1-39 “Lead-contaminated soil” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 39. “Lead-contaminated soil” means bare soil on residential real property and on the property of a child-occupied facility that contains lead at, or in excess of, levels identified by the U.S. EPA under TSCA, Section 403, 15 U.S.C. 2683\*.

\*Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-1-39; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-40 “Lead-contaminated waste material” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 40. “Lead-contaminated waste material” means materials that contain lead equal to or in excess of one (1.0) milligram per square centimeter or more than five-tenths percent (0.5%) by weight. (*Air Pollution Control Board; 326 IAC 23-1-40; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1436; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-41 “Lead hazard screen” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 41. “Lead hazard screen” means a limited risk assessment activity that involves limited paint and dust sampling. (*Air Pollution Control Board; 326 IAC 23-1-41; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-42 “Licensed abatement worker” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 42. “Licensed abatement worker” means a person who has been trained by an Indiana-approved training course provider and licensed by the department to perform abatements. (*Air Pollution Control Board; 326 IAC 23-1-42; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-43 “Licensed contractor” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 43. “Licensed contractor” means a:

- (1) person;
- (2) company;
- (3) partnership;
- (4) corporation;
- (5) sole proprietorship;
- (6) association; or
- (7) other business entity;

that performs lead-based paint activities to which the department has issued a license under 326 IAC 23-2. (*Air Pollution Control Board; 326 IAC 23-1-43; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-44 “Licensed inspector” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 44. “Licensed inspector” means a person who has been trained by an Indiana-approved training course provider and licensed by the department to conduct inspections. A licensed inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. (*Air Pollution Control Board; 326 IAC 23-1-44; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-45 “Licensed project designer” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 45. “Licensed project designer” means a person who has been trained by an Indiana-approved training course provider and licensed by the department to prepare abatement project designs, occupant protection plans, and abatement reports. (*Air Pollution Control Board; 326 IAC 23-1-45; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-46 “Licensed risk assessor” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 46. “Licensed risk assessor” means a person who has been trained by an Indiana-approved training course provider and licensed by the department to conduct inspections and risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. (*Air Pollution Control Board; 326 IAC 23-1-46; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-47 “Licensed supervisor” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 47. “Licensed supervisor” means a person who has been trained by an Indiana-approved training course provider, licensed by the department to supervise and conduct abatements, and prepares occupant protection plans and abatement reports. (*Air Pollution Control Board; 326 IAC 23-1-47; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-48 “Living area” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 48. “Living area” means any area of a residential dwelling used by one (1) or more children six (6) years of age and younger, including, but not limited to, the following:

- (1) Living rooms.
- (2) Kitchen areas.
- (3) Dens.
- (4) Play rooms.
- (5) Children's bedrooms.
- (6) Bathrooms.

(*Air Pollution Control Board; 326 IAC 23-1-48; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-49 “Multi-family dwelling” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 49. “Multi-family dwelling” means a structure that contains more than one (1) separate, residential, dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one (1) or more persons. (*Air Pollution Control Board; 326 IAC 23-1-49; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-50 “Occupant protection plan” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 50. “Occupant protection plan” means a plan that shall be developed for all abatement projects and shall be prepared according to the following procedures:

(1) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

(2) A certified supervisor or project designer shall prepare the occupant protection plan.

(*Air Pollution Control Board; 326 IAC 23-1-50; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1437; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-51 “Owner” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 51. “Owner” means a:

- (1) person;
- (2) firm;
- (3) corporation;
- (4) guardian;
- (5) conservator;
- (6) receiver;
- (7) trustee;
- (8) executor; or
- (9) other judicial officer;

who alone, jointly, or severally with others owns, holds, or controls the whole or any part of the freehold or leasehold title to any property with or without accompanying actual possession of it. The term also includes any vendee in possession of it. The term does not include a mortgagee or an owner of a reversionary interest under a ground rent lease. (*Air Pollution Control Board; 326 IAC 23-1-51; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-52 “Paint in poor condition” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 52. “Paint in poor condition” means:

- (1) more than ten (10) square feet of deteriorated paint on exterior components with large surface areas such as walls, ceilings, floors, and doors;
- (2) more than two (2) square feet of deteriorated paint on interior components with large surface areas, such as walls, ceilings, floors, and doors; or
- (3) more than ten percent (10%) of the total surface area of the component is deteriorated on interior or exterior components

with small surface areas, such as window sills, baseboards, soffits, and trim.  
(*Air Pollution Control Board; 326 IAC 23-1-52; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-53 “Permanently covered soil” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 53. “Permanently covered soil” means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. The term does not include grass, mulch, and other landscaping materials. (*Air Pollution Control Board; 326 IAC 23-1-53; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-54 “Person” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11-2-158; IC 13-17-14; IC 22-8-1.1

Sec. 54. “Person” has the meaning set forth in IC 13-11-2-158. (*Air Pollution Control Board; 326 IAC 23-1-54; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-55 “Principal instructor” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 55. “Principal instructor” means the individual who has the primary responsibility for organizing and teaching a particular training course. (*Air Pollution Control Board; 326 IAC 23-1-55; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-56 “Quality control plan” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 56. “Quality control plan” means a plan to be used by an Indiana-approved training course provider to maintain and improve the quality of the training curriculum over time. This plan shall contain at least the following:

- (1) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
- (2) Procedures for the training manager’s annual review of the principal instructor’s competency.

(*Air Pollution Control Board; 326 IAC 23-1-56; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-57 “Recognized laboratory” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 57. “Recognized laboratory” means an environmental laboratory recognized by the U.S. EPA according to TSCA Section 405(b), 15 U.S.C. 2685(b)\* as being capable of performing an analysis for lead compounds in paint, soil, and dust.

\*Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-1-57; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1438; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-58 “Reduction” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 58. “Reduction” means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including interim controls and abatement. (*Air Pollution Control Board; 326 IAC 23-1-58; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-59 “Residential dwelling” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 59. “Residential dwelling” means:  
(1) a detached single family dwelling unit, including attached structures such as porches and stoops; or  
(2) a single-family dwelling unit in a structure that contains more than one (1) separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one (1) or more persons.  
(*Air Pollution Control Board; 326 IAC 23-1-59; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-60 “Risk assessment” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 60. “Risk assessment” means:  
(1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and  
(2) the provision of a report by the individual or the firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.  
(*Air Pollution Control Board; 326 IAC 23-1-60; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-61 “Start date” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 61. “Start date” means the day warning signs are posted and barrier tape demarcating the work area has been placed. (*Air Pollution Control Board; 326 IAC 23-1-61; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-62 “Storage” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 62. “Storage” means the holding of lead containing waste material for a temporary period, at the end of which the waste is treated, disposed of, or stored elsewhere. (*Air Pollution Control Board; 326 IAC 23-1-62; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-1-63 “Target housing” defined**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 63. “Target housing” means housing constructed before January 1, 1978. The term does not include the following:

- (1) Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child six (6) years of age or younger.
- (2) A building without a bedroom.

*(Air Pollution Control Board; 326 IAC 23-1-63; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-64 “Third-party examination” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 64. “Third-party examination” means an examination administered by the department or its designated representative as a licensure requirement as required under this article for inspectors, risk assessors, and supervisors. *(Air Pollution Control Board; 326 IAC 23-1-64; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-65 “Training curriculum” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 65. “Training curriculum” means an established set of course topics for instruction in an approved training program for a particular discipline designed to provide specialized knowledge and skills. *(Air Pollution Control Board; 326 IAC 23-1-65; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-66 “Training hour” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 66. “Training hour” means at least fifty (50) minutes of actual learning, including, but not limited to, time devoted to any one (1) or a combination of the following:

- (1) Lecture.
- (2) Learning activities.
- (3) Small group activities.
- (4) Demonstrations.
- (5) Evaluations.
- (6) Hands-on experience.

*(Air Pollution Control Board; 326 IAC 23-1-66; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1439; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-67 “Training manager” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 67. “Training manager” means the individual responsible for administering a training curriculum and monitoring the performance of principal instructors and guest instructors. *(Air Pollution Control Board; 326 IAC 23-1-67; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-68 “Visual inspection for clearance testing” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 68. “Visual inspection for clearance testing” means the visual examination of a residential dwelling or child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed. *(Air Pollution Control*

*Board; 326 IAC 23-1-68; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-69 “Visual inspection for risk assessment” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 69. “Visual inspection for risk assessment” means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards. *(Air Pollution Control Board; 326 IAC 23-1-69; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-1-70 “Work area” defined**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 70. “Work area” means the facility, room, or portion of a facility or room where a lead abatement removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by either the plastic or poly that forms and surrounds the containment area, or demarcation by signs or barrier tape, is limited to those workers or supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the lead-based paint removal project. *(Air Pollution Control Board; 326 IAC 23-1-70; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**Rule 2. Licensing**

**326 IAC 23-2-1 Applicability**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-14-2-2; IC 13-17-14; IC 22-8-1.1

Sec. 1. (a) A person who engages in lead-based paint activities must obtain a license under this article. The department may issue a license for the following disciplines:

- (1) Inspector.
- (2) Risk assessor.
- (3) Project designer.
- (4) Supervisor.
- (5) Worker.
- (6) Contractor.

(b) This article does not apply to the following:

- (1) A person conducting an inspection under the authority of IC 22-8-1.1 (the Indiana Occupational, Safety, and Health Act).
- (2) A person who performs lead-based paint activities within a residential dwelling that the person owns, unless the residential dwelling is occupied by:

(A) a person, other than the owner or the owner’s immediate family, while these activities are being performed; or

(B) a child who:

- (i) is six (6) years of age or younger; and
- (ii) resides in the building and has been identified as having an elevated blood lead level.

(c) This article may not be construed as requiring the abatement of lead-based paint hazards in a child-occupied facility or target housing. *(Air Pollution Control Board; 326 IAC 23-2-1; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-2-2 General provisions**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-14-2-2; IC 13-17-14

Sec. 2. (a) The purpose of the lead-based paint program is to ensure that a person conducting lead-based paint activities in target housing or child-occupied facilities does so in a manner that safeguards the environment and protects the health of the building's occupants, especially children who are six (6) years of age and younger.

(b) A political subdivision or a state agency may not accept a bid for a lead-based paint activities project from a person who does not hold a lead-based paint activities license.

(c) Without limiting the authority to inspect under IC 13-14-2-2, the commissioner may do the following:

- (1) Inspect the site of a lead-based paint activity:
  - (A) before the project begins;
  - (B) during the project; or
  - (C) after the project is completed.
- (2) Conduct an investigation of a lead-based paint activities project upon:
  - (A) the department's own initiation; or
  - (B) the receipt of a complaint by a person.
- (3) Conduct an investigation of the provider of a lead-based paint activities training course upon:
  - (A) the department's own initiation; or
  - (B) the receipt of a complaint by a person.

*(Air Pollution Control Board; 326 IAC 23-2-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1440; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-2-3 Licensing; qualifications**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 3. (a) To become licensed by the department as an inspector, risk assessor, project designer, supervisor, or worker, the applicant must do the following:

- (1) Successfully complete an Indiana-approved lead-based paint course in the appropriate discipline and receive a certificate of training from an Indiana-approved training course provider.
- (2) Meet or exceed the experience and education requirements for each desired discipline as listed in subsection (b).
- (3) For inspector, risk assessor, and supervisor applicants, pass the third-party examination in the appropriate discipline offered by the department or its designated representative.

(b) At a minimum, the following experience, education requirements, and course work must be fulfilled for each desired discipline:

- (1) Worker applicants have no additional education or experience requirements other than under subsection (a)(1).
- (2) Inspector applicants shall have a high school diploma or general equivalency diploma (GED).
- (3) Risk assessor applicants shall take and pass the inspector and risk assessor courses and pass all required examinations, including third-party examinations. Applicants must meet any one (1) of the following combinations of education and experience:
  - (A) Bachelor's degree and one (1) year of experience.
  - (B) Associate's degree and two (2) years of experience.
  - (C) A high school diploma or GED and three (3) years of experience.

Required experience must be in a related field, such as lead, asbestos, environmental remediation work, or construction.

- (4) Supervisor applicants shall take and pass the supervisor courses and all required examinations, including third-party exams, and meet one (1) of the following:
  - (A) One (1) year of experience as a certified lead-based paint abatement worker.
  - (B) Two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades.
- (5) Project designer applicants are required to take and pass the supervisor and project designer courses and pass all the required examinations, including third-party examinations and shall have:
  - (A) a bachelor's degree in engineering, architecture, or a related profession and one (1) year of experience in building construction design or a related field; or
  - (B) four (4) years of experience in building construction and design or a related field.



(c) A person who enters into a contract requiring the person to execute lead-based paint activities to be conducted for compensation shall hold a lead-based paint activities contractor license. To become licensed by the department as a lead-based paint activities contractor, the applicant must comply with the following:

- (1) The applicant must meet or have a designated representative who meets all of the following:
  - (A) Successfully complete an approved lead-based paint supervisor course, receive a certificate of training from an Indiana-approved training course provider, and take and pass a third-party examination.
  - (B) One (1) year of experience as a licensed lead-based paint abatement worker or two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades.
- (2) The contractor may not allow an agent or employee of the contractor to:
  - (A) exercise control over a lead-based paint activities project;
  - (B) come into contact with lead-based paint in connection with lead-based paint activities; or
  - (C) engage in lead-based paint activities;

unless the agent or employee is licensed under this rule.

(3) The contractor and all of its agents and employees shall, when performing lead-based paint activities projects, comply with the work practice standards under 326 IAC 23-4 for performing the appropriate lead-based paint activities.

(4) Each contractor is required to have at least one (1) licensed lead-based paint project supervisor, responsible for direct supervision of workers, in the work area of the lead-based paint activity project. Lead-based paint workers shall have access to the project supervisors throughout the duration of the project.

(5) Each contractor shall ensure that the current lead-based paint program license belonging to each project supervisor and worker is kept on the jobsite during all lead-based paint activities. The lead-based paint licenses shall be kept outside the work area, and shall be available for inspection by the department.

(6) For the purpose of fulfilling the requirements of this rule, collecting or analyzing air samples for determining the completion of the lead-based paint project shall not be done by a person employed by the lead-based paint contractor or a partner or subsidiary entity thereof, implementing a lead-based paint project.

(7) Contractor applicants must themselves have or have a designated representative who has:

- (A) one (1) year of experience as a certified lead-based paint abatement worker; or
- (B) at least two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades; and
- (C) successfully completed an approved lead-based paint supervisor course, received a certificate of training from an Indiana-approved training course provider, and taken and passed a third-party examination.

(d) The following documents shall be submitted to the department to demonstrate compliance with the requirements of this section:

- (1) Official academic transcripts or diplomas to demonstrate compliance with the education requirements.
- (2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.
- (3) Certificates of training from lead-specific or other related training courses, issued by approved training course providers, to demonstrate compliance with the training requirements.

(e) To take the third-party examination, a person shall:

- (1) successfully complete an Indiana-approved training course in the appropriate discipline;
- (2) receive a certificate of training from an approved training course provider; and
- (3) meet or exceed the education and experience requirements in subsections (b) and (c).

(f) An applicant may take the third-party examination, if required, no more than three (3) times within six (6) months of receiving a certificate of training.

(g) If a person does not pass the third-party examination and receive a license within six (6) months of receiving his or her certificate of training, the person must retake the appropriate initial course from an Indiana-approved training course provider before reapplying for a license from the department.

(h) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which he or she is seeking licensing. (*Air Pollution Control Board; 326 IAC 23-2-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1441; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-2-4 License; application**

Authority: IC 13-17-14-5

Affected: IC 13-17-14

Sec. 4. (a) Any person applying for an initial lead-based paint license from the department as a lead-based paint inspector, a risk assessor, a project designer, a supervisor, a worker, or a contractor shall do the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Submit a copy of all required documents, as provided in section 3(d) of this rule, that the person meets the experience, education, and training requirements in section 3 of this rule, including that the applicant successfully completed the approved initial and any requisite refresher training courses.
- (3) Receive passing scores on all written examinations for the courses.
- (4) Pay the license application fee specified in section 8 of this rule.
- (5) For persons applying for inspector, risk assessor, or supervisor licenses, provide proof of passing the third-party examination.

(b) Any person applying for an initial license from the department to conduct lead-based paint activities as a contractor shall do the following:

- (1) Submit a completed application on forms provided by the department, which shall include a signed statement that the person has read and understands this rule and 40 CFR 745 "Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule"\*.
- (2) Submit a copy of all required documents, as provided in section 3(d) of this rule, indicating that the applicant or the applicant's designated representative meets the experience, education, and training requirements in section 3 of this rule, including having successfully completed the approved initial and any requisite refresher training courses for lead-based paint project supervisor and received passing scores on all written examinations for such courses, including third-party examinations.
- (3) Submit a complete list of contracts for the prior twelve (12) months for lead-based paint projects, including names, addresses, and telephone numbers of persons for whom projects were performed.
- (4) Submit an up-to-date copy of the contractor's written standard operating procedures that include current compliance procedures.
- (5) Submit a description of any lead-based paint projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding the termination or failure to complete.
- (6) Submit a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.
- (7) Submit copies of any and all:
  - (A) warning letters;
  - (B) notices and orders of the commissioner;
  - (C) agreed orders;
  - (D) citations;
  - (E) notices of violation; or
  - (F) findings of violation;

levied against the contractor by any federal, state, or local government agency for violations of regulations or other laws pertaining to lead-based paint activities, including names and locations of the projects, the dates, and a description of how the allegations were resolved.

(8) Submit a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the department, or claims that have been filed or levied against the contractor or any of the contractor's past or present employees, while employed by the contractor, for lead-based paint related activities.

(9) Submit documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars (\$500,000) of liability insurance. The company offering the insurance coverage must be recognized or licensed by the Indiana department of insurance.

(10) Pay the license application fee specified in section 8 of this rule.

(c) If the department determines the information on the application to be incomplete, the department shall request in writing that the applicant submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a) through (b), the department may require an applicant or a designated

representative of a contractor, in the case of subsection (b), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The commissioner shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license, and any subsequent third-party examination.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the lead-based paint license prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint program license to any person who fulfills the requirements established by this rule. The department may deny an application for a lead-based paint program license based on any of the applicable criteria listed in section 6 of this rule or for failure to comply with any other provision of this rule.

(g) Individuals who have received lead-based paint activities training between October 1, 1990, and March 1, 1999, shall be eligible for licensing under the following alternative procedures:

(1) Applicants for license as an inspector, risk assessor, or supervisor shall:

- (A) demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;
- (B) demonstrate that the applicant meets or exceeds the education and experience requirements in section 3 of this rule;
- (C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;
- (D) pass a third-party examination administered by the department or its designated representative for the appropriate discipline;
- (E) submit a completed application on forms provided by the department; and
- (F) pay the license application fee specified in section 8 of this rule.

(2) Applicants for licensure as an abatement worker or project designer shall:

- (A) demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;
- (B) demonstrate that the applicant meets the education and experience requirements in section 3 of this rule;
- (C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;
- (D) submit a completed application on forms provided by the department; and
- (E) pay the license application fee specified in section 8 of this rule.

(3) This subsection remains in effect for twelve (12) months from the date that this rule becomes effective. After that date, all applicants under this rule must comply with all other provisions of this rule.

(h) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the license is approved, the license will be sent to the applicant via the U.S. Postal Service to the address listed on the application.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-2-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1442; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3108*)

**326 IAC 23-2-5 Renewal of lead-based paint license**

Authority: IC 13-17-14-5  
 Affected: IC 13-17-14

Sec. 5. (a) Any person seeking to renew a license as a lead-based paint inspector, risk assessor, project designer, supervisor, worker, or contractor shall meet the following requirements:

- (1) Have possessed a valid license in the same discipline in which renewal is being sought within the previous six (6) months.
- (2) Have attended, within the previous twelve (12) months, an approved refresher training course for the discipline in which the person was previously licensed. The following disciplines have additional requirements:

(A) A risk assessor shall take both the inspector refresher course and the risk assessor refresher course.

- (B) A project designer shall take both the supervisor refresher course and the project designer refresher training course.
- (3) Have taken and passed a third-party examination as required for inspector, risk assessor, or project supervisor.
- (4) Submit a completed application on forms provided by the department and include a copy of:
  - (A) the certificates of training indicating that the person successfully completed the refresher training course and passed the written examination; and
  - (B) for inspectors, risk assessors, and supervisors, provide proof of having passed the third-party examination.
- (5) Pay the license application fee as specified in section 8 of this rule.
- (b) Any person seeking to renew a lead-based paint license as a contractor shall include updated information in the application if any information has changed during the previous twelve (12) months. The contractor shall routinely examine and update the standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to lead-based paint.
- (c) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the lead-based paint license prior to issuance of the license by the department.
- (d) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint license renewal to any person who fulfills the requirements established in this rule. However, the department may deny an application for renewal of a lead-based paint license based on any of the criteria listed in section 6 of this rule, as applicable, or for failure to comply with any other provision of this rule.
- (e) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline to which they are seeking to be licensed. (*Air Pollution Control Board; 326 IAC 23-2-5; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1444; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-2-6 Compliance requirements for lead-based paint contractors**

Authority: IC 13-17-14

Affected: IC 13-17

Sec. 6. (a) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records must include the following information on each lead-based paint activities project:

- (1) The name, address, and proof of license of the following:
  - (A) The person who supervised the lead-based paint activities project for the lead-based paint activities contractor.
  - (B) Each employee or agent of the lead-based paint activities contractor that worked on the project.
- (2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.
- (3) The site of the lead-based paint activities project.
- (4) A description of the lead-based paint activities project.
- (5) The date on which the lead-based paint activities project was started, and the date on which the lead-based paint activities project was completed.
- (6) A summary of procedures that were used in the lead-based paint activities project to comply with applicable federal and state standards for lead-based paint activities projects.
- (7) A detailed written description of the lead-based paint activities, including the following:
  - (A) Methods used.
  - (B) Locations of rooms or components where lead-based paint activities occurred.
  - (C) Reasons for selecting particular lead-based paint activities methods for each component.
  - (D) Any suggested monitoring of encapsulants or enclosures.
- (8) The occupant protection plan.
- (9) The results of clearance testing and all soil analysis, if applicable, and the name of each federally-recognized laboratory that conducted the analysis. The laboratory must be recognized by U.S. EPA, pursuant to Section 405(b) of TSCA, as being capable of performing analyses for lead compounds in paint chips, dust, and soil samples that conducted the analysis.
- (10) The amount of material containing lead-based paint that was removed from the site of the project.
- (11) The name and address of each disposal site used for the disposal of lead-based paint containing material that was disposed

of as a result of the lead-based paint activities project.

(12) A copy of each receipt issued by a disposal site.

(b) A lead-based paint activities contractor shall retain the records compiled under this section concerning a particular lead-based paint activities project for at least three (3) years after the lead-based paint activities project is concluded.

(c) A lead-based paint activities contractor shall make records available to the department upon request.

(d) A lead-based paint activities contractor shall provide a copy of all reports or plans to the building owner who contracted for the services. (*Air Pollution Control Board; 326 IAC 23-2-6; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1444; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-2-7 Lead-based paint license revocation; denial**

Authority: IC 13-17-14-5

Affected: IC 4-21.5; IC 13-17-14

Sec. 7. (a) The department may, under IC 4-21.5, deny an application for a license, reprimand a license, or suspend or revoke a license for any of the following reasons:

(1) Violating any requirement of the following:

(A) This title.

(B) 40 CFR 745 (Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities\*.

(C) IC 13-17-14.

(2) Falsifying information on an application for a lead-based paint license, including but not limited to, approval records, instructor qualifications, or other approval information.

(3) Violating or failing to meet any requirement specified in this article.

(4) Conducting a lead-based paint project, or related activity, in a manner that is hazardous to the public health.

(5) Performing work requiring a lead paint license at a job site without being in physical possession of initial and current certificates of training or license.

(6) Permitting the duplication or use of one's own lead-based paint license by another person.

(7) Performing work for which a lead-based paint license has not been received.

(8) Obtaining training from a training course provider who does not have the approval to offer training for the particular discipline for which the license was received.

(9) Obtaining training documentation through fraudulent means.

(10) Gaining admission to and completing an approved training curriculum through misrepresentation of admission requirements.

(11) Fraudulently or deceptively obtaining a license or attempts to obtain a license through misrepresentation of certificate of training requirements, third-party examination, or related documents dealing with education, training, professional registration, or experience.

(12) Misrepresenting the extent of a training courses's approval.

(13) Failing to submit required information or notifications in a timely manner.

(b) In addition to the causes in subsection (a), the department may, under IC 4-21.5, reprimand a lead-based paint contractor or suspend or revoke a lead-based paint license if the contractor:

(1) performs work requiring licensure at a jobsite with individuals who are not licensed;

(2) fails to comply with the work practice standards established in 326 IAC 23-4;

(3) misrepresents facts in the contractor's letter of application for a license;

(4) fails to maintain required records; or

(5) fails to comply with federal, state, or local lead-based paint rules, regulations, or statutes.

(c) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(d) If the department finds that a lead-based paint activities project is not being performed in accordance with air pollution control laws or rules adopted by the board, the department may enjoin further work on the lead-based paint project without prior notice or hearing by completing the following procedures:

(1) A notice shall be delivered to:

- (A) the lead-based paint activities contractor engaged in the lead-based paint activities project; or
  - (B) an agent or representative of the lead-based paint activities contractor.
- (2) A notice issued under this section must:
- (A) specify the violations of law that are occurring on the lead-based paint activities project; and
  - (B) prohibit further work on the lead-based paint activities project until the specified violations cease and the notice is rescinded by the commissioner.
- (3) The contractor shall have fourteen (14) days in which to provide written notification to the department that violations have been corrected.
- (4) Not later than ten (10) days after receiving written notification from a contractor that violations specified in a notice issued under this section have been corrected, the commissioner shall issue a determination regarding rescission of the notice.

\*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, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-2-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1445; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3109*)

### **326 IAC 23-2-8 Fees**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14

Sec. 8. (a) Upon application for a lead-based paint program license, a person shall pay a fee as follows:

- (1) Inspector, one hundred fifty dollars (\$150).
- (2) Risk assessor, one hundred fifty dollars (\$150).
- (3) Project designer, one hundred dollars (\$100).
- (4) Supervisor, one hundred fifty dollars (\$150).
- (5) Worker, fifty dollars (\$50).
- (6) Contractor, one hundred fifty dollars (\$150).

(b) Fees paid by mail shall be paid by check or money order and shall be made payable to the lead trust fund and sent to the Cashier, Indiana Department of Environmental Management, P.O. Box 7060, Indianapolis, Indiana 46206-7060.

(c) The application fee shall not be:

- (1) transferable from one (1) type of lead-based paint license to another;
- (2) transferable from one (1) person to another;
- (3) transferable to any other type of license or approval issued by the department; or
- (4) refundable;

unless requested by the applicant within three (3) days of submittal to the department or prior to processing by the department, whichever is earlier.

(d) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable or refundable. (*Air Pollution Control Board; 326 IAC 23-2-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1446; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

### **326 IAC 23-2-9 Duplicate lead-based paint program licenses**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14

Sec. 9. (a) To replace a lead-based paint program license that has been lost or stolen, a person shall submit a completed application for a duplicate license on a form provided by the department.

(b) The form shall include a statement indicating that the original lead-based paint program license was lost or stolen.

(c) The department shall issue no more than two (2) duplicate licenses to any person in any calendar year. (*Air Pollution Control Board; 326 IAC 23-2-9; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1446; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-2-10 Compliance; enforcement**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 13-30

Sec. 10. Failure to comply with IC 13-17-14 or this rule may result in civil or criminal enforcement under IC 13-30. (*Air Pollution Control Board; 326 IAC 23-2-10; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1446; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**Rule 3. Training Courses and Instructors**

**326 IAC 23-3-1 Applicability**

Authority: IC 13-17-14-5

Affected: IC 13-11-2-158; IC 13-17-14; IC 36-1-2-10; IC 36-1-2-23

Sec. 1. (a) A person may apply to the department to be an approved training course provider to offer lead-based paint activities initial or refresher courses in any of the following disciplines:

- (1) Inspector.
- (2) Risk assessor.
- (3) Project designer.
- (4) Supervisor.
- (5) Worker.

(b) Training course providers may apply to the department for approval of their lead-based paint activities courses or refresher courses pursuant to this rule on or after the effective date of this rule.

(c) A training course provider shall not provide, offer, or claim to provide approved lead-based paint activities courses without applying for and receiving approval from the department as required under this rule.

(d) Section 12 of this rule does not apply to a training course provider that is:

- (1) a state;
- (2) a unit as defined in IC 36-1-2-23;
- (3) a municipal corporation as defined in IC 36-1-2-10; or
- (4) an exempt organization under 26 U.S.C. 501(a)\*.

\*Copies of the United States Code (U.S.C.) are available from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are available for copying from Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-3-1; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1446*)

**326 IAC 23-3-2 Initial and refresher training course application for approval**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 2. The following procedures shall be followed by a training course provider to receive approval by the department to offer initial or refresher lead-based paint activities courses:

(1) A training course provider seeking approval for each training course shall submit one (1) written application, per discipline, for each initial and refresher training course on forms provided by the department. The application for approval shall contain the following information:

- (A) The training course provider's name, address, telephone number, and primary contact person.
- (B) The name of the training course.
- (C) The course agenda or curriculum.
- (D) The training course test blueprint for each course.
- (E) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of this rule, including the following information:
  - (i) Length of training in days.

- (ii) A description of the facilities and equipment to be used for lecture and hands-on training.
  - (iii) Amount and type of hands-on training.
  - (iv) Description of the examinations, including the length, format, and passing score.
  - (v) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
  - (vi) Topics covered in the course.
  - (vii) A copy of the quality control plan as defined in 326 IAC 23-1-56.
  - (viii) A copy of the certificates of training.
- (F) If a training course provider uses U.S. EPA-recommended model training materials, the training course manager shall include a statement certifying that the recommended version will be used.
- (G) The names and qualifications of the course instructors, including guest instructors, to include academic credentials and field experience.
- (H) A detailed statement about the development of the examinations and a copy of the examinations used in the course.
- (I) A description and an example of numbered certificates issued to students who complete the course and pass the examination, with the following information:
- (i) Name and address of accredited person.
  - (ii) Discipline of the training course completed.
  - (iii) Dates of the training course.
  - (iv) Date of the examination.
  - (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
  - (vi) The name, address, and telephone number of the training course provider who issued the certificate.
  - (vii) A statement that the person receiving the certificate has completed the requisite training for lead-based paint accreditation.
  - (viii) A statement that the training course meets the requirements as outlined by Indiana under this rule.
- (J) A list of all U.S. EPA authorized and nonapproved states in which the course has received full or contingent approval. Also provide a list of courses directly approved by the U.S. EPA.
- (K) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
- (i) the instructor does not speak a language understood by all students; or
  - (ii) the course materials are not in a language understood by all students.
- (2) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:
- (A) A copy of the student and instructor manuals.
  - (B) A copy of the course agenda.
- (3) A training course provider may apply for approval to offer initial courses or refresher courses in as many disciplines as it chooses. A training course provider may seek approval for additional courses at any time as long as the training course provider can demonstrate that it meets the requirements of this rule.
- (4) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the application fee is not transferable or refundable.

*(Air Pollution Control Board; 326 IAC 23-3-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1447)*

### **326 IAC 23-3-3 Initial training course requirements**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 3. To offer lead-based paint course instruction in any one (1) or all of the disciplines, training course providers must ensure that their courses of study meet, at a minimum, the following training hour requirements and hands-on activities:

- (1) The course of study for an inspector must last a minimum of twenty-four (24) training hours. This course of study shall



include a minimum of eight (8) hours of hands-on training and shall contain the following course topics:

- (A) Role and responsibilities of an inspector.
- (B) Background information on lead and its adverse health effects.
- (C) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing. This course of study shall include hands-on activities.
- (D) Paint, dust, and soil sampling methodologies. This course of study shall include hands-on activities.
- (E) Clearance standards and testing, including random sampling. This course of study shall include hands-on activities.
- (F) Preparation of the final inspection report. This course of study shall include hands-on activities.
- (G) Record keeping.
- (H) Employee respiratory protection and personal protective equipment to include the following:
  - (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators.
  - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
  - (iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).
  - (v) Qualitative and quantitative fit testing procedures.
  - (vi) Variability between field and laboratory protection factors.
  - (vii) Factors that alter respirator fit, for example, facial hair.
  - (viii) The components of a proper respiratory protection program.
  - (ix) Selection and use of personal protective clothing.
  - (x) Use, storage, and handling of nondisposable clothing.
- (I) Regulatory review to include the following:
  - (i) TSCA Title IV\*.
  - (ii) Occupational Safety and Health Administration (OSHA) respirator requirements found at 29 CFR 1926.62\*\*.
  - (iii) Applicable local, state, and federal regulations and guidance that pertain to lead-based paint and lead-based paint activities.

(2) The course of study for a risk assessor must last a minimum of sixteen (16) training hours and shall include a minimum of four (4) hours of hands-on training and contain the following course topics:

- (A) Role and responsibilities of a risk assessor.
- (B) Collection of background information to perform a risk assessment.
- (C) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
- (D) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards. The course of study includes hands-on activities.
- (E) Lead hazard screen protocol.
- (F) Sampling for other sources of lead exposure. The course of study includes hands-on activities.
- (G) Interpretation of lead-based paint and other lead sampling results, including all applicable state or federal guidance or regulations pertaining to lead-based paint hazards. The course of study includes hands-on activities.
- (H) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
- (I) Preparation of a final risk assessment report.
- (J) Regulatory review, including, at minimum, the following:
  - (i) OSHA lead construction standard found at 29 CFR 1926.62\*\*.
  - (ii) U.S. EPA Lead-Based Paint Poisoning Prevention rule found at 40 CFR 745\*\*.
  - (iii) All applicable local, state, and federal regulations.

(3) The course of study for a supervisor must last a minimum of thirty-two (32) training hours, and shall include a minimum of eight (8) hours of hands-on training, and contain the following course topics:

- (A) Role and responsibilities of a supervisor.
- (B) Background information on lead and its adverse health effects.
- (C) Regulatory review to include, at minimum, the following:
  - (i) OSHA lead construction standard found at 29 CFR 1926.62\*\*. (Occupational Safety and Health Administration, Occupational Exposure to Lead).
  - (ii) U.S. EPA Lead-Based Paint Poisoning Prevention rule found at 40 CFR 745\*\*.

- (iii) All applicable local, state, and federal regulations.
  - (D) Liability and insurance issues relating to lead-based paint abatement.
  - (E) Risk assessment and inspection report interpretation. This course of study includes hands-on activities.
  - (F) Development and implementation of an occupant protection plan and abatement report.
  - (G) Lead-based paint hazard recognition and control. This course of study includes hands-on activities.
  - (H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. This course of study includes hands-on activities.
  - (I) Interior dust abatement and cleanup or lead-based paint hazard control and reduction methods. This course of study includes hands-on activities.
  - (J) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods. This course of study includes hands-on activities.
  - (K) Clearance standards and testing.
  - (L) Cleanup and waste disposal.
  - (M) Record keeping.
  - (N) Employee personal respiratory protection and personal protective equipment, including the following:
    - (i) Classes and characteristics of respirator types.
    - (ii) Limitations of respirators.
    - (iii) Proper selection, inspections, donning, use, maintenance, and storage procedures for respirators.
    - (iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).
    - (v) Qualitative and quantitative fit testing procedures.
    - (vi) Variability between field and laboratory protection factors.
    - (vii) Factors that alter respirator fit, for example, facial hair.
    - (viii) The components of a proper respiratory protection program.
    - (ix) Selection and use of personal protective clothing.
    - (x) Use, storage, and handling of nondisposable clothing.
    - (xi) Regulations covering personal protective equipment.
  - (O) Respiratory protection programs and medical surveillance programs.
- (4) The course of study for a project designer must last a minimum of eight (8) training hours and contain the following course topics:
- (A) Role and responsibilities of a project designer.
  - (B) Development and implementation of an occupant protection plan for large scale abatement projects.
  - (C) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.
  - (D) Interior dust abatement and cleanup or lead hazard control and reduction methods for large-scale abatement projects.
  - (E) Clearance standards and testing for large-scale abatement projects.
  - (F) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.
  - (G) OSHA requirements for lead sites.
  - (H) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards.
  - (I) Employee personal protective equipment, including the following:
    - (i) Classes and characteristics of respiratory types.
    - (ii) Limitations of respirators.
    - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.
    - (iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).
    - (v) Qualitative and quantitative fit testing procedures.
    - (vi) Variability between field and laboratory protection factors.
    - (vii) Factors that alter fit, for example, facial hair.
    - (viii) Components of a proper respiratory protection program.
    - (ix) Selection and use of personal protective clothing.
    - (x) Use, storage, and handling of nondisposable clothing.

(5) The course of study for an abatement worker must last a minimum of sixteen (16) training hours. This course of study includes a minimum of eight (8) hours of hands-on activities and contain the following course topics:

- (A) Role and responsibilities of an abatement worker.
- (B) Background information on lead and its adverse health effects.
- (C) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement.
- (D) Lead-based paint hazard recognition and control. This course of study includes hands-on activities.
- (E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices, with hands-on activities.
- (F) Interior dust abatement methods and cleanup or lead-based paint hazard reduction, with hands-on activities.
- (G) Soil and exterior dust abatement methods or lead-based paint hazard reduction, with hands-on activities.
- (H) Employee personal protective equipment, including the following:
  - (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
  - (iii) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).
  - (iv) Qualitative and quantitative fit testing procedures.
  - (v) Variability between field and laboratory protection factors.
  - (vi) Factors that alter respirator fit, for example, facial hair.
  - (vii) The components of a proper respiratory protection program.
  - (viii) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
  - (ix) Regulations covering personal protective equipment.
- (I) Hazards encountered during abatement activities and how to deal with them, including the following:
  - (i) Electrical hazards.
  - (ii) Heat stress.
  - (iii) Air contaminants other than lead.
  - (iv) Fire and explosion hazards.
  - (v) Scaffold and ladder hazards.
  - (vi) Slips, trips, and falls.
  - (vii) Confined spaces.
- (J) Applicable federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.

\*Copies of pertinent sections of the Toxic Substances Control Act (TSCA) and the United States Code (U.S.C.) are available from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*Copies of pertinent sections of the Code of Federal Regulations (CFR) are available from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-3-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1448*)

#### **326 IAC 23-3-4 Refresher training course requirements; course work**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 4. A training course provider may seek approval to offer refresher training courses for licensing in the disciplines of inspector, risk assessor, project designer, supervisor, and worker. To obtain approval from the department to offer refresher training, a training course provider shall meet the following minimum requirements:

- (1) Each refresher course shall review the curriculum of the initial courses listed under section 3 of this rule, as appropriate. In addition, to become approved to offer refresher training courses, training course providers shall ensure that the courses of study include, at a minimum, the following:

- (A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- (B) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- (C) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- (2) The refresher training course for inspector, risk assessor, supervisor, and worker shall last a minimum of eight (8) training hours. The project designer refresher course shall last a minimum of four (4) training hours.
- (3) For each course offered, the training course provider shall conduct a hands-on assessment, if applicable, and at the completion of the course, a course test.
- (4) A training course provider may apply for approval of a refresher course concurrently with its application for approval of the corresponding training course.
- (5) A training course provider seeking approval to offer only refresher training courses shall submit a written application to the department containing the following information:
  - (A) The refresher training course provider name, address, and telephone number.
  - (B) A list of courses for which it is applying for approval.
  - (C) A statement signed by the training curriculum manager certifying that the refresher training course meets the minimum requirements established in this section. If a training course provider uses U.S. EPA-recommended model training materials, or training materials approved by Indiana, another state, or Indian tribe that has been approved by the U.S. EPA to develop its refresher training course materials, the training manager shall include a statement certifying that as well.
  - (D) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:
    - (i) A copy of the student and instructor manuals.
    - (ii) A copy of the training course agenda.
  - (E) All refresher training curriculums shall include in their application for certification the following:
    - (i) A description of the facilities and equipment to be used for lecture and hands-on training.
    - (ii) A copy of the training course test blueprint for each course.
    - (iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course, where applicable.
    - (iv) A copy of the quality control plan.

*(Air Pollution Control Board; 326 IAC 23-3-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1450)*

### **326 IAC 23-3-5 Examination requirements**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

- Sec. 5. (a) Each initial and refresher training course shall include a closed-book written examination at the conclusion of each course.
- (b) Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course.
  - (c) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course of study contained in section 3 of this rule.
  - (d) The training manager is responsible for maintaining the validity and integrity of the written examination to ensure that it accurately evaluates the trainees' knowledge and retention of the course of study.
  - (e) Each examination shall adequately cover the course of study included in the training course for that discipline.
  - (f) The written examination shall be developed in accordance with the test blue print submitted with the training approval application.
  - (g) Written examinations shall have a passing score of at least seventy percent (70%) and shall consist of multiple-choice

questions for each respective discipline. In addition, the training course provider shall include a hands-on skill assessment if applicable to the requirements for that discipline. The following number of questions shall be required for each respective discipline:

- (1) Inspector, fifty (50) questions.
- (2) Risk assessor, one hundred (100) questions.
- (3) Project designer, one hundred (100) questions.
- (4) Supervisor, one hundred (100) questions.
- (5) Worker, fifty (50) questions.

*(Air Pollution Control Board; 326 IAC 23-3-5; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1451)*

**326 IAC 23-3-6 Training course providers; responsibilities**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 6. (a) The training course provider shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include the following:

- (1) The name, a unique identification number, and address of the individual.
- (2) The name of the particular course that the individual completed.
- (3) Dates of course completion and test passage.
- (4) Expiration date.
- (5) The name, address, and telephone number of the training course provider.

(b) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training curriculum over time. This plan shall contain at least the following items:

- (1) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
- (2) Procedures for the training manager's annual review of principal instructor competency.

(c) The training course provider shall offer courses that teach the work practice standards for conducting lead-based paint activities contained in 326 IAC 23-2 and other standards developed by the U.S. EPA pursuant to Title IV of the Toxic Substance Control Act, 15 U.S.C. 2601, et seq. These standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities that they are responsible to conduct.

(d) The training manager shall be responsible for ensuring that the training course complies at all times with this section.

(e) The training manager shall allow the department to audit the training curriculum to verify the contents of the application for approval.

(f) The training manager shall ensure that each initial and refresher training course offered is specific to a single discipline and not combined with training for any other discipline.

(g) The training course providers of refresher training courses shall verify that students have taken and passed a valid initial training course before granting course admission. *(Air Pollution Control Board; 326 IAC 23-3-6; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1451)*

**326 IAC 23-3-7 Expiration of course approval; reapproval**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 7. (a) Unless reapproved, a training course approval, including refresher training approval, shall expire one (1) year from the date of issuance. A training course provider seeking reapproval of each training course shall submit one (1) written application per discipline for each initial and each refresher training course on forms provided by the department no later than ninety (90) days before its current approval expires. The department cannot guarantee that a determination on the application will be made before the end of the current approval period if a training course provider does not submit a timely, complete application for reapproval.

(b) The training course provider's application for reapproval shall contain the following information:

- (1) The training course provider's name, address, telephone number, and primary contact person.
- (2) The name of the training course.
- (3) The course agenda or curriculum.
- (4) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of this

rule, including the following information:

- (A) Length of training in days.
- (B) A description of the facilities and equipment to be used for lecture and hands-on training.
- (C) A description concerning any changes to the training facility, equipment, or course materials since the last application was approved that adversely affects students' ability to learn.
- (D) Amount and type of hands-on training.
- (E) Description of the examinations, including the length, format, and passing score.
- (F) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
- (G) Topics covered in the course.
- (H) A copy of the quality control plan.

(5) A detailed statement about the development of the examinations and a copy of the examinations used in the course.

(6) The names and qualifications of the course instructors, including guest instructors, to include academic credentials and field experience.

(7) A description and an example of numbered certificates issued to students who complete the course and pass the examination, with the following information:

- (A) Name and address of the accredited person.
- (B) Discipline of the training course completed.
- (C) Dates of the training course.
- (D) Date of the examination.
- (E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
- (F) The name, address, and telephone number of the training course provider who issued the certificate.
- (G) A statement that the person receiving the certificate has completed the requisite training for lead-based paint accreditation.
- (H) A statement that the training course meets the requirements as outlined by Indiana under this rule.

(8) A list of both U.S. EPA approved and nonapproved states in which the course has received full or contingent approval. Also provide a list of courses directly approved by the U.S. EPA.

(9) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

- (A) the instructor does not speak a language understood by all students; or
- (B) the course materials are not in a language understood by all students.

(10) A list of courses for which the training course provider is applying for reapproval.

(11) A description of any changes to the training facility, equipment, or course materials since its last application was approved that adversely affects the students' ability to learn.

(12) A statement signed by the program manager stating that:

- (A) the training course provider complies at all times with all requirements in this rule as applicable; and
- (B) the record keeping and reporting requirements of this section shall be followed.

(c) Upon request, the training course provider shall allow the department to audit the training curriculum to verify the contents of the application for reapproval.

(d) A training course provider may apply for reapproval to offer initial courses or refresher courses in as many disciplines as it chooses. A training course provider may seek approval for additional courses at any time as long as the training course provider can demonstrate that it meets the requirements of this rule.

(e) If a training course provider's training course materials are based on U.S. EPA-recommended model training materials or training materials approved by Indiana, another approved state or Indian tribe, the training course manager shall include a statement certifying that the recommended version will be used.

(f) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:

- (1) A copy of the student and instructor manuals.
- (2) A copy of the course agenda.

*(Air Pollution Control Board; 326 IAC 23-3-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1451)*

**326 IAC 23-3-8 Training manager and instructor qualifications**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 8. (a) For a training course provider to obtain approval from the department to offer lead-based paint activities courses, the program shall meet the following training manager and instructor requirements:

(1) The training course provider shall employ a training manager who has any one (1) of the following education or work experience:

(A) At least two (2) years of experience, education, or training in teaching workers or adults.

(B) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, or program management or a related field.

(C) Two (2) years of experience in managing a training curriculum specializing in environmental hazards.

The training manager shall also have demonstrated experience, education, or training in the construction industry, including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(2) Training course providers shall submit resumes and qualifications of all potential instructors, including guest instructors, for approval by the department prior to their use as instructors for any course.

(3) A qualified principal instructor shall be hired by the training manager for each course and shall have the following education and work experience:

(A) Possess:

(i) a high school diploma or equivalent; and

(ii) either:

(AA) a bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field; or

(BB) a combination of four (4) years of experience in lead-based paint or asbestos inspection, abatement, occupational safety and health, or hygiene.

(B) Successfully completed at least sixteen (16) hours of any U.S. EPA-accredited or U.S. EPA-authorized state or tribal-accredited lead-specific training, including the course in which they plan to instruct. After the effective date of this rule, the training must be taken from an Indiana-approved training course. The training course shall be taken from a training course provider other than the provider for whom the instructor will be working.

(4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(b) The following documents shall be submitted to the department to demonstrate that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience:

(1) Official academic transcripts or diploma to demonstrate compliance with the education requirements.

(2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.

(3) Certificates from train-the-trainer courses and lead-specific training courses to demonstrate compliance with the training requirements.

This documentation is required to be submitted with the approval application and shall be retained by the training course provider as required by the record keeping requirements contained in section 11 of this rule.

(c) The training course provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed. *(Air Pollution Control Board; 326 IAC 23-3-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1453)*

**326 IAC 23-3-9 Approval; suspension; revocation; modification**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 9. (a) The department may suspend, revoke, or modify training course provider approval, including refresher training approval, if a training course provider, training manager, or other person with supervisory authority over the training course program has:

- (1) misrepresented the contents of a training course to the department or the student population;
- (2) failed to submit required information or notifications in a timely manner;
- (3) failed to maintain required records;
- (4) falsified approval records, instructor qualifications, or other approval-related information or documentation;
- (5) failed to comply with the training standards and requirements in this section;
- (6) failed to comply with federal, state, or local lead-based paint statutes or regulations; or
- (7) made false, misleading statements to the department in its application for approval or reapproval upon which the department relied in approving the application.

(b) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations. (*Air Pollution Control Board; 326 IAC 23-3-9; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1453*)

### **326 IAC 23-3-10 Record keeping requirements for training course providers**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 10. (a) All approved training course providers shall maintain and make available to the department, upon request, the following records:

- (1) All documents specified in section 8 of this rule that demonstrate the qualifications of the training manager and guest and principal instructors.
- (2) Current curriculum or course materials and documents reflecting any changes made to these materials.
- (3) The course test blueprint.
- (4) Information regarding how the hands-on assessment, if applicable, is conducted, including, but not limited to, the following:
  - (A) Who conducts the assessment.
  - (B) How the skills are graded.
  - (C) What facilities are used.
  - (D) The pass and fail rates.
  - (E) The quality control plan.
  - (F) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.
  - (G) Any other material that was submitted to the department as part of the program's application for approval.

(b) The training course provider shall notify the department in writing within thirty (30) days of changing the address specified on its training course provider approval application or when transferring the records from that address.

(c) The training course provider shall retain records described in subsection (a) at the address specified on the training course provider approval application for a minimum of three (3) years and six (6) months. (*Air Pollution Control Board; 326 IAC 23-3-10; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1454*)

### **326 IAC 23-3-11 Course notification and record submittal requirements**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 11. All approved providers of approved initial and refresher training courses shall comply with the following requirements:

- (1) Notify the department in writing of all intended training courses to be held. Notification shall contain course dates, daily scheduled beginning and ending times, and exact course locations. Submission information shall be as follows:
  - (A) Notice of courses to be held in Indiana shall be submitted to the department two (2) weeks prior to the scheduled course start date.



(B) Notice of courses to be held outside Indiana shall be submitted to the department four (4) weeks prior to the scheduled course start date.

(C) Notice of course cancellation shall be submitted to the department two (2) working days prior to the scheduled course start date.

- (2) All approved providers of accredited initial and refresher training courses shall provide the department, not later than two (2) weeks after the completion of each course, the following:
- (A) A list of all course attendee names.
  - (B) The type of course attended.
  - (C) The date or dates of the course and the examination.
  - (D) Exam scores for each attendee.
  - (E) The certificate number issued to each attendee.

*(Air Pollution Control Board; 326 IAC 23-3-11; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1454)*

### **326 IAC 23-3-12 Application fee**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 12. (a) Upon application for initial or refresher lead-based paint activities course approval, a training course provider shall pay a one (1) time application fee of one thousand dollars (\$1,000) for each of the following disciplines:

- (1) Inspector.
- (2) Risk assessor.
- (3) Project designer.
- (4) Supervisor.
- (5) Worker.

(b) Upon application for initial or refresher training course reapproval, a training course provider shall pay an annual application fee of five hundred dollars (\$500) for each of the following disciplines:

- (1) Inspector.
  - (2) Risk assessor.
  - (3) Project designer.
  - (4) Supervisor.
  - (5) Worker.
- (c) Fees paid by mail shall be paid by check or money order and shall be made payable to the lead trust fund.
- (d) The application fee is not:
- (1) transferable from one (1) type of discipline to another;
  - (2) transferable from one (1) training course provider to another;
  - (3) transferable to any other type of license or approval issued by the department; or
  - (4) refundable;

unless requested by the applicant within three (3) days of submittal to the department or prior to the processing of the application by the department, whichever is earlier. *(Air Pollution Control Board; 326 IAC 23-3-12; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1454)*

### **326 IAC 23-3-13 Representation of training course approval**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 13. No person shall make representation as conducting an approved initial training course or approved refresher training course for the purpose of licensing persons under 326 IAC 23-2 without prior written approval from the department under this rule.

*(Air Pollution Control Board; 326 IAC 23-3-13; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455)*

### **326 IAC 23-3-14 Compliance; enforcement**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 13-30

Sec. 14. Failure to comply with IC 13-17-14 or this rule may result in civil or criminal enforcement under IC 13-30. (*Air Pollution Control Board; 326 IAC 23-3-14; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455*)

**Rule 4. Work Practice Standards**

**326 IAC 23-4-1 Applicability**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule:

- (1) Inspection.
- (2) Lead-hazard screening.
- (3) Risk assessment.
- (4) Abatement.

(b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license. (*Air Pollution Control Board; 326 IAC 23-4-1; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-4-2 Inspections**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 2. An inspection for lead-based paint in a child-occupied facility or target housing shall be conducted only by a person licensed by the department as an inspector or risk assessor. The inspection shall include each component with a distinct painting history, except those components that the inspector or risk assessor determines through the examination of receipts for architectural proof to have been replaced after 1978 or do not contain lead-based paint. If conducted, an inspection shall be conducted as follows:

- (1) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
  - (A) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint.
  - (B) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area.
- (2) Paint shall be sampled in either, or both, of the following ways:
  - (A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.
  - (B) All collected paint chip samples shall be analyzed by a laboratory recognized by U.S. EPA pursuant to TSCA Sec. 405(b) as capable of performing analyses for lead compounds in paint chips, dust, and soil samples to determine if they contain detectable levels of lead that can be quantified numerically.
- (3) The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information:
  - (A) Date of each inspection.
  - (B) Address of building.
  - (C) Date of construction.
  - (D) Apartment number, when applicable.
  - (E) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
  - (F) Name, signature, and license number of each licensed inspector or risk assessor conducting testing.
  - (G) Name, address, and telephone number of the firm employing each inspector or risk assessor, when applicable.
  - (H) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(I) Specific locations of each painted component tested for the presence of lead-based paint.

(J) The results of the inspection, expressed in terms appropriate to the sampling method used.

*(Air Pollution Control Board; 326 IAC 23-4-2; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1455; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-3 Lead hazard screen**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 3. A lead hazard screen shall be conducted only by a person licensed by the department as a risk assessor. A lead hazard screen shall be conducted as follows:

(1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one (1) or more children six (6) years of age or younger shall be collected.

(2) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

(A) determine if any deteriorated paint is present; and

(B) locate at least two (2) dust sampling locations.

(3) If deteriorated paint is present, each surface with deteriorated paint which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(4) In residential dwellings, two (2) composite dust samples shall be collected, one (1) from the floors and one (1) from a window trough in rooms, hallways, or stairwells where one (1) or more children, six (6) years of age or younger, are most likely to come in contact with dust.

(5) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in subdivision (4), the risk assessor shall also collect at least two (2) composite dust samples from common areas where one (1) or more children, six (6) years of age or younger, are most likely to come into contact with dust.

(6) Dust samples shall be collected and analyzed in the following manner:

(A) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(B) All collected dust samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(7) Paint shall be sampled in either, or both, of the following manners:

(A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(B) All collected paint chip samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(8) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

(A) Date of assessment.

(B) Address of building.

(C) Date of construction.

(D) Apartment number, if applicable.

(E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of each licensed risk assessor conducting the assessment.

(G) Name, address, and telephone number of the firm employing each licensed risk assessor.

(H) Name, address, and telephone number of each recognized laboratory conducting the analysis of the collected samples.

(I) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(J) Specific locations of each painted component tested for the presence of lead-based paint.

(K) The results of the assessment including but not limited to visual inspections in terms appropriate to the sampling method used.

(L) All results of laboratory analysis on collected paint, soil, and dust samples.

(M) Any background information collected.

(N) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.

(O) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.

(P) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

*(Air Pollution Control Board; 326 IAC 23-4-3; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1456; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-4 Risk assessment**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 4. A risk assessment shall be conducted only by a person licensed by the department as a risk assessor. A risk assessment shall be conducted as follows:

(1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one (1) or more children six (6) years of age or younger shall be collected.

(2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

(3) Each of the following surfaces determined using documented methodologies to have a distinct painting history shall be tested for the presence of lead:

(A) Deteriorated paint in poor condition.

(B) Paint with a potential health hazard.

(4) In residential dwellings, dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one (1) or more children, six (6) years of age or younger are most likely to come into contact with dust.

(5) For multi-family dwellings and child-occupied facilities, additional window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:

(A) Common areas adjacent to the sampled residential dwelling or child-occupied facility.

(B) Other common areas in the building where the risk assessor determines that one (1) or more children, six (6) years of age or younger, are likely to come into contact with dust.

(6) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in:

(A) each room, hallway, or stairwell used by one (1) or more children, six (6) years of age or younger; and

(B) in other common areas in the child-occupied facility where the risk assessor determines one (1) or more children, six (6) years of age and younger, are likely to come into contact with dust.

(7) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(A) Exterior play areas where bare soil is present.

(B) Dripline or foundation areas where bare soil is present.

(8) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(9) Any collected paint chip, dust, or soil samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(10) The licensed risk assessor shall prepare a risk assessment report that shall include the following information:

(A) Date of assessment including visual inspections.

(B) Address of each building.

(C) Date of construction.

(D) Apartment number, if applicable.

- (E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.
- (F) Name, signature, and license number of the licensed risk assessor conducting the assessment.
- (G) Name, address, and telephone number of the firm employing each licensed risk assessor.
- (H) Name, address, and telephone number of each recognized laboratory conducting analysis of the collected samples.
- (I) Each testing method, device, or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.
- (J) Specific locations of each painted component tested for the presence of lead-based paint.
- (K) All results of laboratory analysis on collected paint, soil, and dust samples.
- (L) Any background information collected.
- (M) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
- (N) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.
- (O) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.
- (P) Results of visual inspections.

*(Air Pollution Control Board; 326 IAC 23-4-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1456; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-5 Abatement procedures for all projects**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 5. An abatement shall be conducted only by a person licensed by the department to remove lead-based paint. An abatement shall be conducted as follows:

- (1) A licensed supervisor is required for each abatement project and shall be on site and responsible for direct supervision of workers during all:
  - (A) work site preparation;
  - (B) abatement activities; and
  - (C) post-abatement cleanup of work areas.

Lead-based paint workers shall have access to the supervisor throughout the duration of the project.

- (2) The licensed supervisor and the licensed contractor employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other federal, state, and local requirements.
- (3) Notification of the commencement of lead-based paint abatement activities in target housing or child-occupied facility or as a result of a federal, state, or local order shall be given to the department prior to the commencement of abatement activities as provided in section 6 of this rule.
- (4) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
  - (A) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
  - (B) A licensed supervisor or project designer shall prepare the occupant protection plan.
- (5) The work practices shall be restricted during an abatement as follows:
  - (A) Open-flame burning or torching of lead-based paint is prohibited.
  - (B) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with HEPA exhaust control that removes particles of three-tenths (0.3) micron or larger from the air at ninety-nine and ninety-seven hundredths percent (99.97%) or greater efficiency.
  - (C) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one (1) room, hallway, or stairwell or totaling no more than twenty (20) square feet on exterior surfaces.

- (D) Operating a heat gun on lead-based paint is permitted only at temperatures below one thousand one hundred (1,100) degrees Fahrenheit.
- (6) If conducted, soil abatement shall be conducted in one (1) of the following ways:
  - (A) If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated.
  - (B) If soil is not removed, the lead-contaminated soil shall be permanently covered.
- (7) When sealing the work area off from the nonwork area, six (6) mil sheeting shall be used and all tears, breaks, cracks, and openings in the containment system shall be repaired as they occur.
- (8) All persons entering a work area during a lead-abatement project that involves breaking or disturbing lead-painted surfaces shall wear disposable shoe covers that shall be removed upon leaving the work area and placed with abatement waste. Any persons entering a work area during lead paint removal activity, such as using a heat gun, scraping, HEPA sanding, or chemical stripping, or during replacement and during the cleanup process shall also wear appropriate respirator protection in accordance with all OSHA requirements found at 29 CFR 1926.62\*. In every abatement activity that results in the disturbance of lead-based paint, polyethylene plastic sheeting shall always be placed directly below the work area.
- (9) A supervisor shall post warning signs at all entrances and exits to work area. The warning signs posted shall read "Caution Lead Hazard-Do Not Enter Work Area Unless Authorized".
- (10) Access of nonworkers to abatement work areas shall be limited. The abatement work crew supervisor is responsible for enforcing this limited access. Only the persons informed by the supervisor of potential lead hazards and who have a direct relationship to the project may enter the work area.
- (11) Heat guns shall not be operated in excess of one thousand one hundred (1,100) degrees Fahrenheit.
- (12) Any surfaces that have been stripped with caustic chemicals or that have come into contact with caustic or solvent-based liquid waste shall be cleaned by wet washing until there is no visible residue.
- (13) Work areas shall be restricted by barrier tape.
- (14) A thorough cleanup of the entire area under active abatement shall occur daily during the entire interior and exterior abatement process. This daily cleanup shall consist of the following:
  - (A) HEPA vacuum all surfaces and place debris into labeled six (6) mil polyethylene sheets.
  - (B) Lead-contaminated waste shall be stored in an area inside the property line designated and posted as a lead waste storage area, and covered with six (6) mil polyethylene sheeting. Lead-contaminated waste shall be stored outside.
  - (C) Small debris shall be swept up using a HEPA vacuum and bagged in a six (6) mil polyethylene or double four (4) mil bags and stored in a designated secure area.
  - (D) Consumable and disposable supplies such as mop heads, plastic sheeting, sponges, and rags shall be treated as contaminated debris.

*(Air Pollution Control Board; 326 IAC 23-4-5; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1457; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-6 Lead abatement notification procedures**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14

- Sec. 6. (a) Each owner or operator of a lead abatement activity site to whom this rule applies shall do the following:
- (1) Provide the department with written notice of intention to conduct an activity on a form to be provided by the department and update such notice as necessary, including, but not limited to, the following:
    - (A) The project start date.
    - (B) The activity contractor.
    - (C) An indication of whether the notice is the original, a revised copy, or a canceled copy.
    - (D) Name, address, and telephone number of both the facility owner and operator and the lead abatement contractor owner or operator.
  - (2) Postmark or hand deliver the notice as follows:
    - (A) At least two (2) working days before an activity, including:
      - (i) abatement;
      - (ii) repair;
      - (iii) removal;

- (iv) encapsulation;
- (v) storage;
- (vi) stripping;
- (vii) dislodging;
- (viii) cutting; or
- (ix) drilling;

that results in the disturbance of lead-based paint.

(B) If the activity is an emergency abatement operation, notice shall be given as early as possible but not later than the following working day after the activity is started.

(C) Delivery of the notice by the United States postal service, facsimile, commercial delivery service, or hand delivery is acceptable. If the notice is being updated, a copy of the previous notification being updated shall be attached to the new, revised notification.

(D) Include any of the following types of operations in the notification:

- (i) Wet or dry stripping.
- (ii) Encapsulation.
- (iii) Enclosure.
- (iv) Emergency abatement.
- (v) Soil removal.
- (vi) Interior abatement.
- (vii) Exterior abatement.

(E) Description of the facility or affected part of the facility, including the following:

- (i) Size in square feet.
- (ii) Number of floors.
- (iii) Age.
- (iv) Present and prior use of the facility.

(F) Procedure, including analytical methods, employed to detect the presence and amount of lead-based paint.

(G) An estimate the approximate amount of lead-based paint to be removed in the facility in terms of linear feet or square feet on facility components.

(H) Location and street address, including:

- (i) building number, building name, and floor or room number location, if available;
- (ii) city;
- (iii) county; and
- (iv) state;

where the activity is to take place.

(I) Scheduled starting abatement removal date and completion dates as indicated by the posting and removal of lead-based paint hazard demarcations in the work area.

(J) Description of planned activity work to be performed and methods to be employed, including techniques to be used and a description of the affected facility components.

(K) Description of work practices and engineering controls to be used to comply with this rule, including lead removal and waste handling emission control procedures.

(L) Description of procedures to be followed in the event that unexpected lead-based paint becomes a lead-based paint hazard and warrants immediate action.

(M) Name and location of the waste disposal site where lead containing waste material will be deposited.

(N) A signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement lead abatement activity.

(O) For lead-based paint activities, the name, address, telephone number, and license number issued to the following:

- (i) The person who inspected the facility for lead-based paint.
- (ii) The person who will conduct risk assessment lead abatement activities.

(P) For emergency lead abatement activities, the date and hour that the emergency occurred, including a description and an explanation of how the event causes a lead-based paint hazard and warrants immediate action.

(Q) Name, address, and telephone number of the waste transporter.

(3) When the lead abatement activity will begin:

(A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least two (2) working days or delivered at least one (1) working day before the start date of the lead abatement activity specified in the notification that is being updated; or

(B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new activity start date to the department postmarked or delivered at least two (2) working days before the start date of the lead abatement activity begins.

(b) In no event shall lead abatement activities begin on a date other than the date contained in the most recent written notification. (*Air Pollution Control Board; 326 IAC 23-4-6; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1458; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-4-7 Lead abatement procedures; interior**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 7. Interior abatement shall include the following procedures:

(1) Post warning signs at entrances and exits to work area and the sign shall read "Caution Lead Hazard—Do Not Enter Work Area Unless Authorized."

(2) The department strongly recommends that wall-to-wall carpeting be removed. However, if left in place, it shall be covered with at least two (2) sheets of six (6) mil polyethylene sheeting, secured to the wall or baseboard with masking tape to ensure no contamination by lead dust or other lead-contaminated materials.

(3) Nonmovable objects remaining in the work area shall be wrapped with six (6) mil polyethylene sheeting and sealed with tape.

(4) After all moveable objects have been removed from the work area, the area shall be sealed from nonwork areas.

(5) After sealing off the work area, floors shall be covered with at least two (2) layers of six (6) mil polyethylene sheeting.

(6) Forced-air heating and air conditioning systems shall be shut down, and all air intake and exhaust points of these systems shall be sealed.

(7) If a common area is an abatement work area, and there are no alternative entrances and egresses that are located outside of the work area, a protected passage through the common area shall be erected.

(8) If a safe passage cannot be created and alternative entrances and exits do not exist, then abatement in common areas shall be conducted between established and posted hours and the work area shall be cleaned with a HEPA vacuum at the end of each working day until all surfaces are free of all visible dust and debris.

(*Air Pollution Control Board; 326 IAC 23-4-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-4-8 Lead abatement procedures; exterior**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 8. Exterior abatement shall include the following procedures:

(1) Uncontained water blasting and uncontained abrasive blasting methods of abatement shall not be used.

(2) Before beginning to abate lead paint using wet methods on exterior work areas, the following site preparation procedures shall be used:

(A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible, extending beyond the dripline.

(B) Extend the edge of the sheets a sufficient distance to contain the run-off and raise the outside edge of the sheets such as with boards, to trap liquid waste.

(C) Have available appropriate containers to hold liquid waste for later transfer and disposal.

(D) Where seams occur, they shall be sealed with tape and edges shall be raised and a new section of plastic sheeting and framing shall be added as needed.



- (E) Liquid waste can be pumped, vacuumed, or bailed for transfer to disposal facility.
- (3) Before beginning to abate lead paint using dry methods on exterior work areas, the following site preparation procedures shall be used:
  - (A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible.
  - (B) Extend the sheeting out from the foundation a minimum of five (5) feet and an additional three (3) feet per floor before being abated.
  - (C) Weight the sheeting at the foundation and along edges and seams.
  - (D) Erect vertical shrouds if constant wind speed exceeds fifteen (15) miles per hour or there is visible movement of debris beyond the ground sheeting.

*(Air Pollution Control Board; 326 IAC 23-4-8; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 23-4-9 Post-abatement clearance procedures**

Authority: IC 13-17-14-5  
Affected: IC 13-11; IC 13-17-14

Sec. 9. The following post-abatement final visual clearance procedures shall be performed only by a licensed inspector or risk assessor:

- (1) Following an abatement and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present.
- (2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures.
- (3) Following the visual inspection and any post-abatement cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.
- (4) Dust samples on surfaces for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.
- (5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour after completion of final post-abatement clean-up activities.
- (6) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the target housing or child-occupied facility:
  - (A) After conducting an abatement with containment between abated and unabated areas:
    - (i) one (1) dust sample shall be taken from one (1) window, if available;
    - (ii) one (1) dust sample shall be taken from the floor of no less than four (4) rooms, hallways, or stairwells within the containment area; and
    - (iii) one (1) dust sample shall be taken from the floor outside the containment area.If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.
  - (B) After conducting an abatement with no containment:
    - (i) two (2) dust samples shall be taken from no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility;
    - (ii) one (1) dust sample shall be taken from one (1) window, if available; and
    - (iii) one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected.If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.
  - (C) Following an exterior paint abatement, a visible inspection shall be conducted as follows:
    - (i) All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be clean of visible dust and debris.
    - (ii) A visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated.
    - (iii) If paint chips are present:

(AA) the chips shall be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements; and

(BB) soil sampling shall be performed by documented methodologies to determine if the lead hazard has been removed.

(D) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.

(E) The certified inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

*(Air Pollution Control Board; 326 IAC 23-4-9; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1460; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 23-4-10 Lead-based paint sampling procedures**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows:

(1) The licensed individuals who abate or clean the dwellings do not know which dwelling will be selected for the random sample.

(2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.

(3) The randomly selected dwellings shall be sampled and evaluated for clearance according to the procedures found in this section.

(4) An abatement report shall be prepared by a licensed supervisor or project designer. The abatement report shall include the following information:

(A) Start and completion dates of abatement.

(B) The name and address of each licensed contractor conducting the abatement and the name of each supervisor assigned to the abatement project.

(C) The occupant protection plan.

(D) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(E) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.

(F) A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

*(Air Pollution Control Board; 326 IAC 23-4-10; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1461; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### **326 IAC 23-4-11 Lead-based paint abatement disposal procedures**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 11. The following procedures shall be followed when disposing of lead-based paint waste:

(1) All lead-based paint waste left at a facility or stored elsewhere prior to disposal, shall be securely stored in a manner that restricts access by unauthorized persons to the material.

(2) The material shall be stored in locked containers, rooms, trucks, or trailers.

(3) Lead hazard warning signs or labels shall be prominently displayed on the door of the locked containers, rooms, trucks, or other security measures shall be employed, including the use of barriers, barrier tape, or other measures approved by the department.

(4) Lead warning labels shall be posted in all areas where lead is stored.

(5) All waste shall be transported in accordance with United States department of transportation requirements and disposed of in accordance with 329 IAC 2-21 [329 IAC 2 was repealed filed Mar 14, 1996, 5:00 p.m.: 19 IR 1970.], 329 IAC 3.1-6-1, and 329 IAC 10-8.1.

*(Air Pollution Control Board; 326 IAC 23-4-11; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1461; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-12 Analysis of samples**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 12. (a) Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:

(1) collected by persons licensed by the department as an inspector or risk assessor; and

(2) analyzed by a laboratory recognized by the U.S. EPA pursuant to the TSCA, Section 405(b) U.S.C. 2685(b)\* as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(b) The following conditions shall apply when composite dust sampling is conducted:

(1) Composite dust samples shall consist of at least two (2) subsamples.

(2) Every component that is being tested shall be included in the sampling.

(3) Composite dust samples shall not consist of subsamples from more than one (1) type of component.

\*Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 23-4-12; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1462; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

**326 IAC 23-4-13 Record keeping**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 13. (a) All reports or plans required in this rule shall be completed no later than sixty (60) days from the completion of the abatement project.

(b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report.

(c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services no later than sixty (60) days from the completion of the abatement project.

(d) The licensed person or contractor shall make reports available to the department upon request.

(e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records shall include the following information on each lead-based paint activities project:

(1) The name, address, and proof of license of:

(A) the person who supervised the lead-based paint activities project for the lead-based paint activities contractor; and

(B) each employee or agent of the lead-based paint activities contractor that worked on the project.

(2) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(3) The site of the lead-based paint activities project.

(4) A description of the lead-based paint activities project.

(5) The date on which the lead-based paint activities project was started and the date on which the lead-based paint activities project was completed.

(6) A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for lead-based paint activities projects.

(7) A detailed written description of the lead-based paint activities, including methods used, locations of rooms or components where lead-based paint activities occurred, reasons for selecting particular lead-based paint activities methods for each component, and any suggested monitoring of encapsulants or enclosures.

(8) The occupant protection plan.

(9) The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis.

(10) The amount of material containing lead-based paint that was removed from the site of the project.

(11) The name and address of each disposal site used for the disposal of lead-based paint containing material that was disposed of as a result of the lead-based paint activities project.

(f) A copy of each receipt issued by a disposal site must be included in the records. (*Air Pollution Control Board; 326 IAC 23-4-13; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1462; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-4-14 Compliance; enforcement**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 13-30

Sec. 14. Failure to comply with IC 13-17-14 or this rule may result in civil or criminal enforcement under IC 13-30. (*Air Pollution Control Board; 326 IAC 23-4-14; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

**326 IAC 23-4-15 Filing of notification; fee**

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 15. (a) An owner or operator of a facility where a lead-based paint activity will occur shall pay a fee of fifty dollars (\$50) for each project for which a notification is required.

(b) An owner or operator who submits quarterly notifications shall be notified in writing by the department of the amount of fees due. The amount owed will be determined by the number of notifications submitted to the department in the previous quarter. Fees shall be paid:

(1) by person or by mail;

(2) by check or money order payable to the lead trust fund, Indiana department of environmental management;

(3) no later than thirty (30) days from receipt of billing; and

(4) addressed to Indiana Department of Environmental Management, 100 North Senate Avenue, Indiana Government Center-North, P.O. Box 7060, Indianapolis, Indiana 46206-7060.

(*Air Pollution Control Board; 326 IAC 23-4-15; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

\*