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TITLE 326 AIR POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #02-337(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR), COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 AND SUPPLEMENTS (AP-42) AND INCORPORATION BY REFERENCE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 1-1-3 concerning references to the Code of Federal Regulations (CFR), to update any references to the CFR in 326 IAC to mean the July 1, 2002, edition and to 326 IAC concerning documents that are incorporated by reference. This change will have the effect of updating every rule in 326 IAC that incorporates the CFR to ensure it is consistent with the federal rule, except for rules in which a CFR edition is mentioned by a specific year. IDEM also has drafted language to amend 326 IAC 1-1-3.5 concerning references to the compilation of air pollution emission factors AP-42 and supplements. In addition, in the citations affected below, the actual language used to incorporate documents by reference, is being updated and standardized. Repeals 326 IAC 14-1-4. IDEM has scheduled a public hearing before the air pollution control board for consideration of preliminary adoption of these rules.

CITATIONS AFFECTED: 326 IAC 1-1-3; 326 IAC 1-1-3.5; 326 IAC 1-2-65; 326 IAC 1-2-90; 326 IAC 2-2-13; 326 IAC 2-2-16; 326 IAC 2-3-1; 326 IAC 2-6-4; 326 IAC 2-7-3; 326 IAC 2-7-8; 326 IAC 2-7-18; 326 IAC 2-8-3; 326 IAC 2-9-7; 326 IAC 2-9-8; 326 IAC 2-9-9; 326 IAC 2-9-10; 326 IAC 2-9-13; 326 IAC 3-4-1; 326 IAC 3-4-3; 326 IAC 3-5-2; 326 IAC 3-5-3; 326 IAC 3-5-4; 326 IAC 3-5-5; 326 IAC 3-6-1; 326 IAC 3-6-3; 326 IAC 3-6-5; 326 IAC 3-7-2; 326 IAC 3-7-4; 326 IAC 5-1-2; 326 IAC 5-1-4; 326 IAC 5-1-5; 326 IAC 7-2-1; 326 IAC 7-4-10; 326 IAC 8-1-4; 326 IAC 8-4-6; 326 IAC 8-4-9; 326 IAC 8-7-7; 326 IAC 8-9-2; 326 IAC 8-9-3; 326 IAC 8-9-4; 326 IAC 8-9-5; 326 IAC 8-9-6; 326 IAC 8-10-7; 326 IAC 8-11-2; 326 IAC 8-11-6; 326 IAC 8-11-7; 326 IAC 8-12-3; 326 IAC 8-12-5; 326 IAC 8-12-6; 326 IAC 8-12-7; 326 IAC 8-13-5; 326 IAC 10-1-2; 326 IAC 10-1-4; 326 IAC 10-1-5; 326 IAC 10-1-6; 326 IAC 11-3-4; 326 IAC 11-7-1; 326 IAC 13-1.1-1; 326 IAC 13-1.1-8; 326 IAC 13-1.1-10; 326 IAC 13-1.1-13; 326 IAC 13-1.1-14; 326 IAC 13-1.1-16; 326 IAC 14-1-1; 326 IAC 14-1-2; 326 IAC 14-1-4; 326 IAC 14-3-1; 326 IAC 14-4-1; 326 IAC 14-5-1; 326 IAC 14-7-1; 326 IAC 14-8-1; 326 IAC 14-8-3; 326 IAC 14-8-4; 326 IAC 14-8-5; 326 IAC 14-9-5; 326 IAC 14-9-8; 326 IAC 14-9-9; 326 IAC 14-10-1; 326 IAC 14-10-2; 326 IAC 14-10-3; 326 IAC 14-10-4; 326 IAC 15-1-2; 326 IAC 15-1-4; 326 IAC 16-3-1; 326 IAC 18-1-2; 326 IAC 18-1-5; 326 IAC 18-1-7; 326 IAC 18-1-8; 326 IAC 18-2-2; 326 IAC 18-2-3; 326 IAC 18-2-6; 326 IAC 18-2-7; 326 IAC 22-1-1; 326 IAC 23-1-31.

AUTHORITY: IC 13-14-8; IC 13-14-9; IC 13-14-18; IC 13-15; IC 13-17-3; IC 13-17-8; IC 13-19-3.

STATUTORY REQUIREMENTS

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13- 14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in

IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

BACKGROUND

INCORPORATION BY REFERENCE

This rulemaking will standardize and clarify the language used to incorporate documents by reference. During the development of rules under Title 326 of the Indiana Administrative Code (IAC), it is often more efficient to refer to or incorporate specific portions of these documents rather than to reprint them in full.

According to IC 4-22-2-21, if incorporation of the text in full would be "cumbersome, expensive, or otherwise inexpedient", an agency may incorporate by reference "a federal or state statute, rule or regulation; or a code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association".

Many of Indiana's air quality standards, sampling procedures, monitoring requirements, and various compliance methodologies are based on federal requirements and are supported by guidelines and standards developed by national experts. Incorporation by reference ensures that state rules will not be interpreted in such a way as to conflict with federal law and national policy and allows the state to use the resources of the federal system instead of expending its own rulemaking resources in what would otherwise be an unnecessary duplication of rulemaking effort. Incorporating guidelines and standards developed by experts also helps IDEM to better establish consistent and fair rules for regulated sources.

CODE OF FEDERAL REGULATIONS (CFR)

326 IAC 1-1-3, References to the Code of Federal Regulations (CFR), indicates the yearly edition of the CFR that is applicable to rules that have been incorporated by reference throughout Title 326 of the IAC, unless a different edition is specified in a given rule. By annually updating the reference to the CFR, IDEM is able to incorporate by reference the latest version of the parts of the CFR already incorporated into the air rules, with the exception of those most recently published in the Federal Register (FR).

The 2002 edition of the CFR is a codification of the general and permanent rules published in the FR as of June 30, 2002. IDEM incorporates citations by reference from Titles 29 and 40.

Title 29 of the CFR, entitled "Intergovernmental Review of Environmental Protection Agency Programs and Activities", contains federal rules for the asbestos and lead programs. Title 29 of the CFR is referenced in 326 IAC 14 (Emission Standards for Hazardous Air Pollutants), 326 IAC (Asbestos Management), and 326 IAC 23 (Lead-Based Paint Program). Many of these regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or they are incorporated into Title 326 of the IAC as federal authority for the implementation and enforcement of state rule provisions.

Title 40 of the CFR entitled "Protection of Environment," includes all federal environmental regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA). It is referenced throughout Title 326 of the IAC.

The current version of the CFR referenced in Indiana's air quality rules is dated July 1, 2000. Since that date, a number of new federal rules were promulgated that later were incorporated and referenced in the state rules using their FR citation.

Examples of rules and changes that occurred between July 1, 2000 and June 30, 2002 that will be updated with this rulemaking include:

Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method for PM_{10}, Four New Equivalent Methods for $PM_{2.5}$, and One New Reference Method for NO_2 (40 CFR 53 and 40 CFR 58)

• EPA examined various methods for monitoring concentrations of ambient air pollutants. Monitoring methods are determined for adequacy in order to meet equivalent status of specific requirements. Designation of these references and equivalent methods is intended to assist in establishing and operating air quality surveillance systems. (67 FR 15566)

Emergency Extension of the Compliance Date for Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (40 CFR 63)

• The previous deadline required sources to take actions based on the previous compliance date of September 30, 2002. The deadline was extended one year until September 30, 2003. (66 FR 49830)

National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities (40 CFR 63)

• A technical correction was issued to reinstate a portion of the final sentence in 40 CFR 63.1270(a) that was mistakenly deleted during the editing process. Reinstatement of this language will make it clear that the rule only applies to major sources of hazardous air pollutants and that transmission and storage systems are subject to the rule only when a local distribution company is not present. (66 FR 49299)

National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 CFR 63)

• Final rule that affects major sources of petroleum refineries. Hazardous air pollutants that will be reduced include organics (acetaldehyde, benzene, formaldehyde, hexane, phenol, toluene, and xylene); reduced sulfur compounds (carbonyl sulfide, carbon disulfide); inorganics (hydrogen chloride, chlorine); and particulate metals (antimony, arsenic, berylliun, cadmium, chromium, cobalt, lead, manganese, and nickel). The health effects of exposure include cancer, respiratory irritation, and damage to the nervous system. (67 FR 17762)

National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production (40 CFR 63)

• In 40 CFR 63.1257, paragraph (d)(4)(iii) was redesignated as paragraph (d)(3)(ii). (67 FR 15486)

Redefinition of the Glycol Ethers Category Under Section 112 (b)(1) of the Clean Air Act and Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR 63)

• Final rule that revises the definition of glycol ethers to exclude the group "surfactant alcohol ethoxylates and their derivatives (SAED)". SAED compounds were removed because, after review, EPA determined that they did not meet the hazardous air pollutants standards as defined in Section 112(b)(1) of the Clean Air Act. (65 FR 47342)

Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substitutes and Listing of Substitutes (40 CFR 82)

• Final rule that removes restrictions on the use of certain substitutes for halon fire suppression and explosion protection agents that are used by the fire protection community. In addition, the rule added a substitute to the list of fire suppression and explosion protection agents. (66 FR 63313)

INCORPORATION OF COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 INCLUDING SUPPLEMENTS (AP-42)

Compilation of Air Pollution Emission Factors (AP-42) is a document issued by U.S. EPA that is currently referenced in Title 326 of the IAC. This rulemaking updates the References to the Compilation of Air Emissions Factors AP-42 and Supplements to include updates through 2002 to allow sources to use the most recent version of AP-42.

AP-42 is a fundamental tool for air quality management and is used for developing emission control strategies, determining applicability of permitting and control programs, ascertaining the effects of sources and appropriate mitigation strategies, and a number of related applications. The Fifth Edition of AP-42, Volume I, contains information on over 200 stationary source categories. This information includes brief descriptions of processes used, potential sources of air emissions from the processes and common methods used to control these air emissions. Methodologies for estimating the quantity of air pollutants emissions are presented in the emission factors.

FINDINGS

The commissioner of IDEM has prepared findings regarding rulemaking on the incorporation by reference of the 2002 version of the Code of Federal Regulations (CFR) and addition of references to Compilation of Air Pollution Factors AP-42 (AP-42) and supplements as required by federal rule. These findings are prepared under IC 13-14-9-8 and are as follows:

(1) This rule is the direct adoption of incorporation of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.

(2) Indiana in many cases is required by the CAA to adopt these requirements as state rules.

(3) The public will benefit from the prompt adoption of this rule because it alleviates unnecessary duplication of rulemaking efforts by the state by directly incorporating the Code of Federal Regulations (CFR).

(4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.

(5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan
Commissioner
Indiana Department of Environmental Management

ADDITIONAL INFORMATION

Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 1-1-3, AS AMENDED AT 25 IR 3054, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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,~~ **2002,** 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)*

SECTION 2. 326 IAC 1-1-3.5, AS AMENDED AT 25 IR 3055, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

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*. **Update 2001*.**
(8) Update 2002*.

*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)*

SECTION 3. 326 IAC 1-2-65 IS AMENDED TO READ AS FOLLOWS:

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*.

***This document is incorporated by reference.** 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~~ **or** are available for **review and** 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)*

SECTION 4. 326 IAC 1-2-90 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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~~ **or** are ~~also~~ available ~~from~~ **for review and**

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 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)*

SECTION 5. 326 IAC 2-2-13 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** 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~~ **or** are available for **review and** 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)*

SECTION 6. 326 IAC 2-2-16 IS AMENDED TO READ AS FOLLOWS:

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~~ **and** 40 CFR 50.12*;

whichever concentration is lowest for the pollutant for a period of exposure.

***These documents are incorporated by reference.** 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~~ **or** are available for **review and** 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)*

SECTION 7. 326 IAC 2-3-1, AS AMENDED AT 25 IR 6, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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 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 (a) 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:

(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_x budget unit, as defined in 326 IAC 10-4-2, that is being installed to control NO_x 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:

(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_x 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_{10}	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~~ **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 46204-2220. *(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)*

SECTION 8. 326 IAC 2-6-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-4 Requirements

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

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~~ 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_{10}) 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 document are~~ ***This document is** incorporated by reference. ~~and~~ **Copies** are available for review **and copying** 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)*

SECTION 9. 326 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-3 Requirement for a permit

Authority: IC 13-15; 13-17
Affected: IC 13-11

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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and 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 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254)*

SECTION 10. 326 IAC 2-7-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-8 Permit issuance, renewal, and revisions

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

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

(1) The commissioner has received a complete application for a Part 70 permit, permit modification, or Part 70 permit renewal, except that a complete application need not be received before issuance of a general Part 70 permit under section 13 of this rule.

(2) Except for administrative amendments under section 11 of this rule, the commissioner has complied with the requirements for public notice under section 17 of this rule.

(3) The commissioner has complied with the requirements of section 17 of this rule for notifying and responding to affected states.

(4) The conditions of a Part 70 permit provide for compliance with all applicable requirements and the requirements of this rule.

(5) The U.S. EPA has received a copy of the proposed Part 70 permit and any notices required and has not objected to issuance of the Part 70 permit within the time period specified in section 18(b), 18(c), or 18(d) of this rule.

(b) Except as provided under 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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 11. 326 IAC 2-7-18 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-18 Permit review by the U.S. EPA

Authority: IC 13-14-8; IC 13-15; IC 13-17
Affected: IC 13-11

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~~ **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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and 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 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267)*

SECTION 12. 326 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

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.

(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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 13. 326 IAC 2-9-7 IS AMENDED TO READ AS FOLLOWS:

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 (¼) 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 (¼) 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,~~ **40 CFR 60.670,** 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).

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents,~~ **may be obtained from the** Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 14. 326 IAC 2-9-8 IS AMENDED TO READ AS FOLLOWS:

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:

(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 (¼) 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 (¼) 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,~~ **40 CFR 60.670,** 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).

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents,~~ **may be obtained from the** Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 15. 326 IAC 2-9-9 IS AMENDED TO READ AS FOLLOWS:

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 (¼) 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 (¼) 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 no more than one-fourth (¼) 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).

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents,~~ **may be obtained from the** Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 16. 326 IAC 2-9-10 IS AMENDED TO READ AS FOLLOWS:

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 (¼) 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 (¼) 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 (¼) 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).

***This document is incorporated by reference.** 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 **review and** copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents,~~ **may be obtained from the** Government Printing Office, Washington D.C. 20402 or are available for **review and** 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)*

SECTION 17. 326 IAC 2-9-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-13 External combustion sources

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

Sec. 13. (a) The following definitions apply throughout this section:

(1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.

(2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.

(3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.

(4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.

(5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.

(6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.

(2) One (1) of the following:

(A) Limiting fuel usage for every twelve (12) month period to less than the limits found in 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

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,000.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
Dual Fuel[1]	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 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

([1]Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)

Unit abbreviations:
kgal = 10^3 gallons
MMCF = 10^6 cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,142.0 MMCF

Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
Dual Fuel[1]	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 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

([1]Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)

Unit abbreviations:

kgal = 10^3 gallons

MMCF = 10^6 cubic feet

~~**Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents,~~ ***This document is incorporated by reference. Copies may be obtained from the** Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 18. 326 IAC 3-4-1 IS AMENDED TO READ AS FOLLOWS:

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 throughout 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).

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 19. 326 IAC 3-4-3 IS AMENDED TO READ AS FOLLOWS:

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_2) 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_2) in flue gases, the measurement of the pollutant concentration and the CO_2 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_2) or nitrogen oxides (NO_x) in the flue gases, the measurement of the diluent concentration and the SO_2 and the NO_x 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_2 or NO_x in the flue gases, the measurement of the diluent concentration and the SO_2 and the NO_x 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_{ws}	=	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 4.15×10^{-5} M g/wscm per ppm or 2.59×10^{-9} 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_2 and 46.01 for oxides of nitrogen (NO_x) as NO_2.
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_c	=	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_c), respectively. Values of F and F_c are given in 40 CFR 60, Appendix A, Method 19*****, as applicable.
F_w	=	A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F_w are given in 40 CFR 60, Appendix A, Method 19*****.
B_{wa}	=	Proportion by volume of water vapor in the ambient air.
B_{ws}	=	Proportion by volume of water vapor in the stack gas.
E	=	Pollutant emission, lbs/MMBtu.
Percent O_2, percent CO_2	=	Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under this article.
Percent O_{2ws}	=	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_2) concentration in the flue gases to obtain average SO_2 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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 20. 326 IAC 3-5-2 IS AMENDED TO READ AS FOLLOWS:

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_2).
(ii) Carbon monoxide (CO).
(iii) Hydrogen sulfide (H_2S).
(iv) Oxides of nitrogen (NO_x).
(v) Oxygen (O_2).
(vi) Sulfur dioxide (SO_2).
(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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 21. 326 IAC 3-5-3 IS AMENDED TO READ AS FOLLOWS:

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**~~, **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)*~~, **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~~ ***This document is incorporated by reference. Copies** may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015.

****This document is incorporated by reference. Copies are available for review and 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)*

SECTION 22. 326 IAC 3-5-4 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 23. 326 IAC 3-5-5 IS AMENDED TO READ AS FOLLOWS:

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_2).
(2) Carbon monoxide (CO).
(3) Hydrogen sulfide (H_2S).
(4) Nitrogen oxide (NO_x).
(5) Oxygen (O_2).
(6) Sulfur dioxide (SO_2).
(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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 24. 326 IAC 3-6-1 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 25. 326 IAC 3-6-3 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 26. 326 IAC 3-6-5 IS AMENDED TO READ AS FOLLOWS:

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~~ 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_{cc}	=	Average E of sample containing cleaning cycle.
E_{ncc}	=	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_2) 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_x) 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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 27. 326 IAC 3-7-2 IS AMENDED TO READ AS FOLLOWS:

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*,~~ **D3177-89,** 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.

***These documents are incorporated by reference.** 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 **review and** 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)*

SECTION 28. 326 IAC 3-7-4 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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 **review and** 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)*

SECTION 29. 326 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

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).

***This document is incorporated by reference.** 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 **review and** 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)*

SECTION 30. 326 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** 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 **review and** 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)*

SECTION 31. 326 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

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_{10}) 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.

***This document is incorporated by reference.** 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 **review and** 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)*

SECTION 32. 326 IAC 7-2-1 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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~~ **or** are ~~also~~ available **for review and copying** 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)*

SECTION 33. 326 IAC 7-4-10 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-4-10 Warrick County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17; IC 13-22

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)

Facility Description	Emission Limitations
(A) Culley Units 1, 2, and 3	
Prior to December 31, 1989	6.0 each
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:

Facility Description	Emission Limitations
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 (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

Facility Description	Emission Limitations

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:

Source	Facility Description	Emission Limitations
(i) Warrick Plant	Units 1)4	5.4 per stack
SIGECO Culley	Unit 1	2.0
	Unit 2	2.0
	Unit 3	5.4
(ii) Warrick Plant	Units 1)4	5.4 per stack
SIGECO Culley	Unit 1	0.0006
	Unit 2	3.2
	Unit 3	5.4
(iii) Warrick Plant	Units 1)4	5.4 per stack
SIGECO Culley	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:

Facility Description	Emission Limitations
(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
(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~~ **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.

***This document is incorporated by reference.** 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~~ **or** are ~~also~~ available **for review and copying** at the Department of Environmental Management, Office of Air Management, ~~105 South Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(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)*

SECTION 34. 326 IAC 8-1-4 IS AMENDED TO READ AS FOLLOWS:

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"*. This method may be used to develop protocols

for any compound specifically exempted from the definition of volatile organic compound.

(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"***.~~ **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***.~~ **1986*.**

(C) EPA 340/1-88-004, "A Guideline for Graphic Arts Calculations", June ~~1988***.~~ **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***.~~ **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**.

(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) **40 CFR 60, Appendix A,** 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) **40 CFR 60, Appendix A,** Method 1** or 1A** shall be used for sample and velocity traverses.

(3) **40 CFR 60, Appendix A,** Method 2**, 2A**, 2C**, or 2D** shall be used for velocity and volumetric flow rates.

(4) **40 CFR 60, Appendix A,** Method 3** shall be used for gas analysis.

(5) **40 CFR 60, Appendix A,** Method 4** shall be used for stack gas moisture.

(6) **40 CFR 60, Appendix A,** 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"***.~~ **Operations"*.**

(2) EPA 450/2-77-026, "Control of Hydrocarbons from Tank Truck Gasoline Loading ~~Terminals"***.~~ **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***.~~ **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"***.~~ **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***~~ **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***~~ **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~~ **Copies** are available ~~at the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, (610) 832-9585 or~~ **for review and copying at** the Indiana Department of Environmental Management, Office of Air Management.

These documents have been incorporated by reference. ~~and are available at~~ **Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 35. 326 IAC 8-4-6 IS AMENDED TO READ AS FOLLOWS:

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 (½) inch or more to a side or a hole one-half (½) 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 (¼) 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 (¼) 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~~ **documents** have been incorporated by reference. ~~and~~ **Copies** are available ~~upon payment of a~~ **for review and** copying ~~charge from~~ **at** 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)*

SECTION 36. 326 IAC 8-4-9 IS AMENDED TO READ AS FOLLOWS:

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_2O (eighteen (18) inches H_2O) gauge. The initial vacuum for the vacuum test shall be one hundred fifty (150) millimeters H_2O (six (6) inches H_2O) gauge. The maximum allowable pressure or vacuum change is twenty-five (25) millimeters H_2O (one (1) inch H_2O) 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_2O (eighteen (18) inches H_2O) 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_2O (five (5) inches H_2O).
(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_2O) and a vacuum from exceeding one thousand five hundred (1,500) pascals (six (6) inches of H_2O) 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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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, 2:57 p.m.: 25 IR 1906)*

SECTION 37. 326 IAC 8-7-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-7-7 Test methods and procedures

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

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*.

***This document is incorporated by reference.** 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~~ **or** are ~~also~~ available ~~from~~ **for review and copying at** 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)*

SECTION 38. 326 IAC 8-9-2 IS AMENDED TO READ AS FOLLOWS:

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*****.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and 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 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056)*

SECTION 39. 326 IAC 8-9-3 IS AMENDED TO READ AS FOLLOWS:

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 **(73)** degrees Fahrenheit. ~~(73° F).~~

(BB) In Clark and Floyd Counties, seventy-seven and seven-tenths **(77.7)** 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*.~~ **D323-82**.**

(B) For gasoline-ethanol blends, ASTM ~~D-5190*,~~ **D-5190**,** ASTM ~~D-5191*,~~ **D-5191**,** ASTM ~~5482*.~~ **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.

***These documents are incorporated by reference.** 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 **are available for review and copying at** the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****These documents are incorporated by reference. Copies 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 8-9-3; 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)*

SECTION 40. 326 IAC 8-9-4 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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 **are available for review and 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 8-9-4; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1057)*

SECTION 41. 326 IAC 8-9-5 IS AMENDED TO READ AS FOLLOWS:

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 (c) 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 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)*.

***These documents are incorporated by reference.** Copies ~~of 40 CFR 60.18(c) and 40 CFR 60.18(f) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and 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 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059)*

SECTION 42. 326 IAC 8-9-6 IS AMENDED TO READ AS FOLLOWS:

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*.~~ **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*~~ **D2879-92****.

(ii) ASTM Method ~~D323-82*~~ **D323-82****.

(iii) As measured by an appropriate method as approved by the department.

***These documents are incorporated by reference.** 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 **are available for review and copying at** the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****These documents are incorporated by reference. Copies 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 8-9-6; 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)*

SECTION 43. 326 IAC 8-10-7 IS AMENDED TO READ AS FOLLOWS:

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~~ **40 CFR 60, Appendix A,** Method 24*. In the event of any inconsistency between **40 CFR 60, Appendix A,** Method 24 and formulation data, **40 CFR 60, Appendix A,** 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.]*.

***These documents are incorporated by reference.** 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~~ **or** are available ~~from~~ **for review and 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 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)*

SECTION 44. 326 IAC 8-11-2 IS AMENDED TO READ AS FOLLOWS:

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_2). 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.

***These documents are incorporated by reference.** 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~~ **or** are ~~also~~ available ~~from~~ **for review and 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 8-11-2; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1064)*

SECTION 45. 326 IAC 8-11-6 IS AMENDED TO READ AS FOLLOWS:

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~~ **40 CFR 60, Appendix A,** 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.

***This document is incorporated by reference.** 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~~ **or** are ~~also~~ available ~~from~~ **for review and 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 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)*

SECTION 46. 326 IAC 8-11-7 IS AMENDED TO READ AS FOLLOWS:

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~~ **a 40 CFR 60, Appendix A,** Method 24* test and a facility's formulation data, that is, if the ~~EPA~~ **40 CFR 60, Appendix A,** 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.

***These documents are incorporated by reference.** 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~~ **or** are ~~also~~ available ~~from~~ for **review and 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 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072)*

SECTION 47. 326 IAC 8-12-3 IS AMENDED TO READ AS FOLLOWS:

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 **(204)** degrees Centigrade ~~(204° C)~~ (four hundred **(400)** 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*.~~ **D-523**.**
(F) "High-temperature coating" means any coating that, during normal use, must withstand a temperature of at least four hundred twenty-six **(426)** degrees Centigrade ~~(426° C)~~ (eight hundred **(800)** 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*),~~ **D4082-83**),** relatively easy to decontaminate (ASTM ~~D4256-83*),~~ **D4256-83**),** and resistant to various chemicals to which the coatings are likely to be exposed (ASTM ~~3912-80*).~~ **3912-80**).** General protective requirements are outlined by the Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide ~~1.54*).~~ **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.

***These documents are incorporated by reference.** 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~~ **or** are available ~~from~~ **for review and copying at** the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****These documents are incorporated by reference. Copies 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 8-12-3; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1751)*

SECTION 48. 326 IAC 8-12-5 IS AMENDED TO READ AS FOLLOWS:

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~~ **40 CFR 60, Appendix A,** 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~~ **40 CFR 60, Appendix A,** 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~~ **40 CFR 60, Appendix A,** 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~~ **40 CFR 60, Appendix A,** 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*~~ **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~~ **40 CFR 60, Appendix A,** 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~~ **Copies** may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~Copies of pertinent sections of the referenced material~~ **or** are available ~~from~~ **for review and copying** the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****These documents are incorporated by reference. Copies 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 8-12-5; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1755; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3615)*

SECTION 49. 326 IAC 8-12-6 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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~~ **or** 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)*

SECTION 50. 326 IAC 8-12-7 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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~~ **or** 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)*

SECTION 51. 326 IAC 8-13-5 IS AMENDED TO READ AS FOLLOWS:

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" **of** 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 trichlorotrifluorethane 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:
Average oil and grease content, percent (%) 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) $\times {}^{1}/_{100}$) $\times$ average sinter burden throughput (tons) $\times$ 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).

***These documents are incorporated by reference.** 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 **review and** 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)*

SECTION 52. 326 IAC 10-1-2 IS AMENDED TO READ AS FOLLOWS:

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_x" 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 (a) 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.

***These documents are incorporated by reference.** 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 **for review and copying** 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)*

SECTION 53. 326 IAC 10-1-4 IS AMENDED TO READ AS FOLLOWS:

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_x) emissions from affected facilities by complying with any of the NO_x limits specified as follows:
(1) Subsection (b).
(2) Subsection (c).
(3) A combination of limits in subsections (b) and (c).

(b) NO_x emissions limits applicable to affected facilities are as follows:
(1) For portland cement kilns, the following:
(A) NO_x 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_x 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_x 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:

Boiler Type	Fuel Type	Emissions Limit (lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
	Distillate oil	0.2
	Residual oil	0.3
	Gas	0.2

(3) For industrial, commercial, institutional boilers, NO_x 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_x 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_x emissions from any facility other than those listed in subdivision (1), (2), or (3) that emits or that has potential to emit NO_x equal to or greater than forty (40) tons per year shall comply with an emissions limit that shall be achieved by controlling actual NO_x 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_x 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

$$EL = (E1 \times H1 + E2 \times H2 + ...)/(H1 + H2 + ...)$$

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_x 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.

***This document is incorporated by reference.** Copies ~~of 40 CFR 76.11~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~Copies of the referenced materials~~ **or** are available **for review and copying** 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)*

SECTION 54. 326 IAC 10-1-5 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** Copies ~~of 40 CFR 60~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~Copies of the referenced material~~ **or** are available **for review and copying** 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)*

SECTION 55. 326 IAC 10-1-6 IS AMENDED TO READ AS FOLLOWS:

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_x 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_x 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_x 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_x 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_x 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.

***This document is incorporated by reference.** Copies ~~of 40 CFR 75~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~Copies of the referenced materials~~ **or** 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)*

SECTION 56. 326 IAC 11-3-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 11-3-4 Compliance determination
Authority: IC 13-17-3; IC 13-13; IC 13-14-9

Affected: IC 13-13; IC 13-14-8; IC 13-17

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 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~~ ***These documents are** incorporated by reference. ~~and are available~~ **Copies may be obtained** from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying from** 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)*

SECTION 57. 326 IAC 11-7-1 IS AMENDED TO READ AS FOLLOWS:

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)*.

***These documents are incorporated by reference.** 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~~ **or** are available for **review and** 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)*

SECTION 58. 326 IAC 13-1.1-1 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) and referenced materials~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****This document is incorporated by reference. Copies 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 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)*

SECTION 59. 326 IAC 13-1.1-8 IS AMENDED TO READ AS FOLLOWS:

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*~~ **Act**** for any county or counties subject to this rule, the department may determine that during the period when the NO_x waiver is in effect, failure of the NO_x 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.

***These documents are incorporated by reference.** 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 **review and** copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

****This document is incorporated by reference. Copies 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 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)*

SECTION 60. 326 IAC 13-1.1-10 IS AMENDED TO READ AS FOLLOWS:

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.

***These documents are incorporated by reference.** 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~~ **or** are available for **review and** 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)

SECTION 61. 326 IAC 13-1.1-13 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** Copies ~~of the Clean Air Act referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 62. 326 IAC 13-1.1-14 IS AMENDED TO READ AS FOLLOWS:

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 ($CO + CO_2$) 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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) and referenced materials~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and~~ **or** are available for **review and** 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)*

SECTION 63. 326 IAC 13-1.1-16 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** 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 **review and** 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)*

SECTION 64. 326 IAC 14-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-1-1 Applicability
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of 326 IAC 14 apply~~ **This article applies** 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:~~

(1) 40 CFR 61.04 Address*;
(2) 40 CFR 61.11(f) Administrator's Authority on Waiver of Compliance*;
(3) 40 CFR 61.12(d) Alternative Means of Emission Limitation*;
(4) 40 CFR 61.16 Availability of Information*; **and**
(5) 40 CFR 61.17 State Authority*;

and as modified in ~~326 IAC 14-1-2.~~ **section 2 of this rule.** 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.

***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 14-1-1; 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; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 65. 326 IAC 14-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-1-2 Definitions
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

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 **40 CFR** 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.

***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 14-1-2; 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; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 66. 326 IAC 14-3-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-3-1 Applicability; incorporation by reference of federal standards
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule ~~(326 IAC 14-3) shall apply~~ **applies** to the following stationary sources:
(1) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants ~~which~~ **that** process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.
(2) Machine shops ~~which~~ **that** 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*****.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 S. Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(Air Pollution Control Board; 326 IAC 14-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 67. 326 IAC 14-4-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-4-1 Applicability; incorporation by reference of federal standards
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule ~~(326 IAC 14-4) shall apply~~ **applies** 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*****.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 S. Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(Air Pollution Control Board; 326 IAC 14-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 68. 326 IAC 14-5-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-5-1 Applicability; incorporation by reference of federal standards
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule ~~(326 IAC 14-5) shall apply~~ **applies** to those stationary sources ~~which~~ **that** 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*****.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 S. Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(Air Pollution Control Board; 326 IAC 14-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 69. 326 IAC 14-7-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-7-1 Applicability; incorporation by reference of federal standards
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule ~~(326 IAC 14-7) apply~~ **applies** to each of the following sources that are intended to operate in benzene service:
(1) Pumps.
(2) Compressors.
(3) Pressure relief devices.
(4) Sampling connections.

(5) Systems.
(6) Open-ended valves or lines.
(7) Valves.
(8) Flanges and other connectors.
(9) Product accumulator vessels. ~~and~~
(10) 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*****.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 S. Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, ~~Indindiana 46225.~~ **Indiana 46204.** *(Air Pollution Control Board; 326 IAC 14-7-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 70. 326 IAC 14-8-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-1 Applicability
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule ~~(326 IAC 14-8)~~ ~~apply~~ **applies** to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service:
(1) Pumps.
(2) Compressors.
(3) Pressure relief devices.
(4) Sampling connection systems.
(5) Open-ended valves or lines.
(6) Valves.
(7) Flanges and other connectors.
(8) Product accumulator vessels. ~~and~~
(9) 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~~ **40 CFR** 61.241*****, 61.245*****, 61.246*****, and 61.247***** as specified in ~~326 IAC 14-8-2~~ **sections 2** through ~~326 IAC 14-8-5.~~ **5 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 14-8-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 71. 326 IAC 14-8-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-3 Test methods and procedures
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

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.".

***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 14-8-3; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 72. 326 IAC 14-8-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-4 Record keeping requirements
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

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)*****, 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".

***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 14-8-4; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 73. 326 IAC 14-8-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-5 Reporting requirements
Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

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 **40 CFR** 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.~~

***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 14-8-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3013; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 74. 326 IAC 14-9-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-5 Equipment leaks

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

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).~~ **section 6(c) of this rule.**

(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)*~~. **40 CFR 61.242-10(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,~~ **subdivision (5),** 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) ~~(c), (f), and (g)~~ **through 326 IAC 14-8-4(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 **five hundred** (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 **five hundred** (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~~ **subdivision (1)** 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)*****.

***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 14-9-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3015; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 75. 326 IAC 14-9-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-8 Test methods and procedures

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

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)*****.

***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 14-9-8; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 76. 326 IAC 14-9-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-9 Record keeping and reporting requirements

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

Sec. 9. (a) The following information pertaining to the design of control equipment installed to comply with ~~326 IAC 14-9-3~~ **sections 3** and ~~326 IAC 14-9-4~~ **4 of this rule** 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~~ **section 3 of this rule** 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~~ **section 5 of this rule** 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~~ **through** (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,~~ **section 3 of this rule:**

(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),~~ **section 5(a) of this rule,** 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~~ **section 5 of this rule** 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)~~ **section 5(d)** and ~~326 IAC 14-9-5(e)(6),~~ **5(e)(6) of this rule;**

(B) the number of ~~exhauster~~ **exhausters** for which leaks were repaired as required in ~~326 IAC 14-9-5(d), 326 IAC 14-9-5(e)(7),~~ **section 5(d), 5(e)(7),** and ~~326 IAC 14-9-5(e)(8),~~ **5(e)(8) of this rule; and**

(C) the results of performance tests to determine compliance with ~~326 IAC 14-9-5(g)~~ **section 5(g) of this rule** conducted within the semiannual reporting period.

(4) A statement signed by the owner or operator stating whether all requirements of ~~326 IAC 14-9~~ **this rule** 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 **this** subsection. ~~(c) 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 **ninety** (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~~ **section 5 of this rule** if:

(1) the new or modified source complies with ~~326 IAC 14-9-5.~~ **section 5 of this rule; and**

(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.

***These documents are incorporated by reference.** Copies ~~of the July 1, 1986, Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Indiana Department of Environmental Management, Office of Air Management, ~~105 South Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(Air Pollution Control Board; 326 IAC 14-9-9; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

SECTION 77. 326 IAC 14-10-1 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 78. 326 IAC 14-10-2 IS AMENDED TO READ AS FOLLOWS:

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 1, 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 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.

(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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 79. 326 IAC 14-10-3 IS AMENDED TO READ AS FOLLOWS:

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,~~ **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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 80. 326 IAC 14-10-4 IS AMENDED TO READ AS FOLLOWS:

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.

(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 **(0)** degrees Celsius ~~(0° C)~~ (thirty-two **(32)** 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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 81. 326 IAC 15-1-2 IS AMENDED TO READ AS FOLLOWS:

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:

Source	Facility Description	Emission Limitation lbs./hr.

(1)	Refined Metals of Indianapolis	M-1 baghouse stack[1]	0.91
		M-2 baghouse stack[1]	0.15
		M-3 baghouse stack[1]	0.15
		M-4 baghouse stack[1]	0.30

[1]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 require a cessation in production, if needed, to assure continuous attainment of the NAAQS.

(2)	Chrysler Corporation Foundry, Indianapolis	Cupola stack	0.550
		Cupola fugitive	1.894
(3)	Delco Remy Division of General Motors Corporation, Muncie	Lead oxide mfg. stack (each of 5)	0.068
		Oxide grinder stack (each of 2)	0.123
		*Central tunnel system stack (each of 4)	0.254
		Reverberatory furnace stack	0.225
		O.S.I. drying oven stack (each of 4)	0.0015
		Electric melting pot stack	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	0.215
		Barton #2 reactor	0.215
		Barton #3 reactor	0.215
		Barton #4 reactor	0.215
		Rake furnace	0.006
		Kiln #2	0.002
		*Franklin reactor	0.603

*Shall not operate more than 670 hours per quarter.

(5)	U.S.S. Lead Refinery, East Chicago	*Blast furnace stack	0.002
		*Blast furnace fugitive	
		Charging	2.922
		Lead tapping	0.002
		Slag tapping	0.005
		*Refining kettles fugitive	0.0001
		*Casting fugitive	0.393
		*Reverberatory furnace fugitive	0.345

*Shall not operate more than 334 hours per quarter.

(6)	Hammond Lead Products, Inc., HLP-Lead Plant	Stack 4A-S-8	0.053
		Stack 14-S-16	0.053
		Stack 1-S-2	0.053
		Stack 1-S-26	0.053
		Stack 16-S-56	0.200
		Stack 1-S-52	0.070
		Stack 1-S-27	0.020
		Stack 4-S-35	0.090
		Stack 6-S-33	0.070
		Stack 4B-S-34	0.080
		Stack 6-S-47	0.021
		Stack V-1	0.090
		Stack V-11	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 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)~~ ****These documents are incorporated by reference. Copies** may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 82. 326 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

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 CFR 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.

***This document is incorporated by reference.** 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 **are available for review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 South Meridian Street,~~ **Indiana Government Center-North, 100 North Senate Avenue,** Indianapolis, Indiana ~~46225.~~ **46204.** *(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)*

SECTION 83. 326 IAC 16-3-1 IS AMENDED TO READ AS FOLLOWS:

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~~ **40 CFR** 51.851 State Implementation Plan (SIP) revisions*.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations referenced in this section~~ may be obtained from the Government Printing Office, Washington D.C. 20402 or **are available for review and 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 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)*

SECTION 84. 326 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

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~~ **documents** have been incorporated by reference. ~~and are available at~~ **Copies may be obtained from** the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)

SECTION 85. 326 IAC 18-1-5 IS AMENDED TO READ AS FOLLOWS:

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.

(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) 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.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 86. 326 IAC 18-1-7 IS AMENDED TO READ AS FOLLOWS:

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~~ ***This document is** incorporated by reference**.** ~~and are available at~~ **Copies may be obtained from** the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 87. 326 IAC 18-1-8 IS AMENDED TO READ AS FOLLOWS:

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.

***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 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)*

SECTION 88. 326 IAC 18-2-2 IS AMENDED TO READ AS FOLLOWS:

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 **.~~ **1986*.**

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)

SECTION 89. 326 IAC 18-2-3 IS AMENDED TO READ AS FOLLOWS:

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*.**
(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~~ **documents** have been incorporated by reference. ~~and are available at~~ **Copies may be obtained from** the Government Printing Office, Washington, D.C. 20402 or are available for **review and** 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)*

SECTION 90. 326 IAC 18-2-6 IS AMENDED TO READ AS FOLLOWS:

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**~~ **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.

***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 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)*

SECTION 91. 326 IAC 18-2-7 IS AMENDED TO READ AS FOLLOWS:

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.

***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 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)*

SECTION 92. 326 IAC 22-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 22-1-1 Incorporation of federal regulations

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

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.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and 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 22-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283)*

SECTION 93. 326 IAC 23-1-31 IS AMENDED TO READ AS FOLLOWS:

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.

***This document is incorporated by reference.** 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~~ **or** are ~~also~~ available for **review and** 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)*

SECTION 94. 326 IAC 14-1-4 IS REPEALED.

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on February 5, 2003 at 1:00 p.m, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 1-1-3, 326 IAC 1-1-3.5, and Title 326.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayla Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.