
TITLE 326 AIR POLLUTION CONTROL BOARD

Final Rule

LSA Document #06-208(F)

DIGEST

Adds [326 IAC 26](#) concerning best available retrofit technology. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: July 26, 2006, Indiana Register (DIN: [20060726-IR-326060208FNA](#)).

Second Notice of Comment Period: March 14, 2007, Indiana Register (DIN: [20070314-IR-326060208SNA](#)).

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Notice of Second Hearing: July 4, 2007, Indiana Register (DIN: [20070704-IR-326060208PHA](#)).

Date of Second Hearing: October 3, 2007.

[326 IAC 26](#)

SECTION 1. [326 IAC 26](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 26. REGIONAL HAZE

Rule 1. Best Available Retrofit Technology

[326 IAC 26-1-1](#) Applicability

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

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

Sec. 1. This rule applies to BART-eligible sources in Indiana as defined in 40 CFR 301* and as determined in accordance with 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule".**

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; [326 IAC 26-1-1](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-2](#) Incorporation by reference

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

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

Sec. 2. The air pollution control board incorporates by reference the following:

- (1) 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule**".**
- (2) 40 CFR 51.301*, "Definitions".**
- (3) 40 CFR 51.308(e)*, "Best Available Retrofit Technology (BART) requirements for regional haze visibility impairment".**

***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 26-1-2](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-3](#) Notification

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) By the effective date of this rule, the department shall provide a written notification to the owner or operator of each BART-eligible source that identifies each BART-eligible emissions unit evaluated by the department.

(b) If the owner or operator of a BART-eligible source does not receive a notification, the owner or operator of the BART-eligible source shall submit written notification to the department of all BART-eligible emissions units within three (3) months of the effective date of this rule. The notification shall include the following information:

- (1) Complete source identification and contact information.
- (2) A list of all BART-eligible emissions units at the source.
- (3) A description of each BART-eligible emissions unit including applicable:
 - (A) processes;
 - (B) potential emissions; and
 - (C) emissions unit and emission point characteristics.
- (4) The date construction commenced and the date of start-up of each BART-eligible emissions unit.

(c) The department may require additional information from BART-eligible sources to be submitted to evaluate emissions units potentially affected by this rule.

(Air Pollution Control Board; [326 IAC 26-1-3](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-4](#) Determination of sources subject to BART

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

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

Sec. 4. (a) The department shall determine if a BART-eligible source is subject to BART based upon all of the following criteria:

- (1) The source meets the definition of BART-eligible source in 40 CFR 51.301*.
- (2) Modeling conducted in accordance with option 1 of the individual source attribution approach as described in 40 CFR 51, Appendix Y*.
- (3) The impact on visibility in a Class 1 area as determined by a comparison of the ninety-eighth percentile of the source specific modeling to a 0.5 deciview threshold level. A source causes or contributes to visibility impairment at a Class 1 area when the modeled impacts of that source are equivalent to eight (8) or more days in one (1) year or a total of twenty-two (22) or more days in a three (3) year period that would exceed the 0.5 deciview threshold level.

(b) The department shall provide a written determination to each BART-eligible source indicating if the source has been determined to be subject to BART.

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(Air Pollution Control Board; [326 IAC 26-1-4](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-5](#) CAIR participation by electric generating units

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

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

Sec. 5. Participation in the CAIR cap and trade program shall satisfy the sulfur dioxide (SO₂) and oxides of nitrogen (NO_x) requirements of this rule.

(Air Pollution Control Board; [326 IAC 26-1-5](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-6](#) BART analysis

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

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

Sec. 6. (a) The owner or operator of a source determined to be subject to BART shall submit one (1) of the following:

(1) A BART analysis to the department within two hundred seventy (270) days of the latter of either the:

(A) date of the written notification from the department that the source is subject to BART; or

(B) effective date of this rule.

(2) A description and analysis of the BART-eligible emission units sufficient to demonstrate that the source is not subject to BART within ninety (90) days of the date of the written notification from the department that the source is subject to BART. After the submittal of a description and analysis that the source is not subject to BART, if the source receives notification from the department that the description and analysis are inadequate and that the source is subject to BART, the source shall submit a BART analysis to the department within one hundred eighty (180) days of the date of the notification of inadequacy.

(b) The department shall review the BART analysis for completeness and notify the source of its completeness determination within sixty (60) days of receipt of the BART analysis. A source that is notified that its BART analysis is incomplete shall submit the missing information within sixty (60) days of the date of the notification of the completeness determination.

(c) The BART analysis under subsection (a)(1) must comply with 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule*" and must consider the following factors:

(1) The costs of compliance.

(2) The energy and nonair quality environmental impacts of compliance.

(3) Any existing pollution control technology in use at the source.

(4) The remaining useful life of the source.

(5) The degree of visibility improvement that may reasonably be anticipated from the use of BART.

(d) At a minimum, the BART analysis shall address SO₂, NO_x, and particulate matter emissions if emissions of those pollutants are equal to or greater than the following levels for the source:

(1) Forty (40) tons per year of SO₂ or NO_x.

(2) Fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than ten (10) micrometers (PM₁₀).

(e) The department may require additional information from sources subject to BART to complete the review of the BART analysis.

(f) Within two hundred seventy (270) days of the completeness review under subsection (b), the department shall provide a written notification to the owner or operator of a source subject to BART indicating whether the analysis is approved.

(g) For sources required to submit an analysis under this section that do not submit an approveable

analysis in accordance with this section, the department shall determine BART for the source within ninety (90) days after the end of the period described in subsection (f).

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(Air Pollution Control Board; [326 IAC 26-1-6](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-7](#) Alternative to BART

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

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

Sec. 7. (a) The department may approve an alternative to the installation of BART that complies with the following:

- (1) 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule*"**.
- (2) 40 CFR 51.308(e)*, "Best Available Retrofit Technology (BART) requirements for regional haze visibility impairment"**.

(b) If a source proposes an alternative to BART, the source shall submit to the department the BART analysis of the alternative within two hundred seventy (270) days of the date of the written notification from the department of being subject to BART as described in section 4(b) of this rule and the analysis must include the following:

- (1) An analysis of the emission reductions and visibility impacts that would result from the implementation of BART in accordance with 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule*"**.
- (2) Emission reductions that are surplus to those reductions resulting from measures adopted to meet requirements of the Clean Air Act prior to the baseline data used for BART.**
- (3) A method of evaluating compliance with the alternative.**
- (4) A demonstration that the alternative will achieve greater reasonable progress towards improving visibility than would be achieved by implementation of the BART requirements.**

(c) The department shall review the BART analysis for the alternative for completeness and notify the source of its completeness determination within sixty (60) days of receipt of the BART analysis for the alternative. A source that is notified that its BART analysis is incomplete shall submit the missing information within sixty (60) days of the date of the notification of the completeness determination.

(d) Within two hundred seventy (270) days of the completeness review under subsection (c), the department shall provide a written notification to the owner or operator of a source subject to BART indicating whether the analysis is approved.

(e) For sources required to submit a BART analysis that elect to submit a BART analysis for an alternative under this section and that do not submit an approveable analysis in accordance with this section, the department shall determine BART for the source within ninety (90) days after the end of the period described in subsection (d).

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(Air Pollution Control Board; [326 IAC 26-1-7](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

[326 IAC 26-1-8](#) Part 70 permit modifications

Sec. 8. (a) Within five (5) years of the effective date of this rule, the Part 70 permit of a source subject to BART that is required to submit a BART analysis shall be reopened and modified in accordance with [326 IAC 2-7-9](#) to reflect all approved BART requirements or alternatives to the BART requirements to include the following:

- (1) Enforceable emission limits, if applicable.
- (2) Design, equipment, work practice, operation standard, or combination of these types of standards, if applicable.
- (3) Compliance schedules that require compliance with the requirements in subdivisions (1) and (2) within five (5) years of the effective date of this rule.

(b) Enforceable emission limits and compliance schedules that reflect the BART requirements or an approved alternative to the BART requirements shall be included in the Part 70 permit in accordance with the following:

- (1) 40 CFR 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule*".
- (2) 40 CFR 51.308(e)*, "Best Available Retrofit Technology (BART) requirements for regional haze visibility impairment".
- (3) [326 IAC 2-7](#).

(c) The requirements listed in subsection (a) shall be submitted to U.S. EPA for approval into the state implementation plan.

*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 26-1-8](#); filed Jan 23, 2008, 1:37 p.m.: [20080220-IR-326060208FRA](#))

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Documents Incorporated by Reference: 40 CFR 51.301, Definitions; 40 CFR 51.308(e), Best Available Retrofit Technology (BART) requirements for regional haze visibility impairment; 40 CFR 51, Appendix Y, Guidelines for BART Determinations Under the Regional Haze Rule

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