

## TITLE 326 AIR POLLUTION CONTROL BOARD

Emergency Rule  
LSA Document #11-680(E)

## DIGEST

Temporarily amends [326 IAC 2-2-1](#), [326 IAC 2-2-4](#), [326 IAC 2-2-6](#), [326 IAC 2-2-14](#), [326 IAC 2-3-1](#), [326 IAC 2-3-2](#), and [326 IAC 2-7-1](#) and adds provisions at [326 IAC 2-1.1-1](#) concerning new source review (NSR) provisions for particulate matter less than 2.5 microns (PM<sub>2.5</sub>), and deferral of CO<sub>2</sub> emissions from bioenergy and other biogenic sources under the prevention of significant deterioration (PSD) and Title V Program. Authority: [IC 4-22-2-37.1\(a\)\(13\)](#). *The original emergency document, LSA Document #11-447(E), posted at [20110810-IR-326110447ERA](#), effective August 3, 2011, expired November 1, 2011.* Effective November 2, 2011.

SECTION 1. (a) This SECTION is supplemental to [326 IAC 2-1.1-1](#).

(b) "Direct PM<sub>2.5</sub>" means PM<sub>2.5</sub> emitted directly from an air emissions source or activity, or gaseous emissions or liquid droplets from an air emissions source or activity which condense to form PM<sub>2.5</sub> at ambient temperatures. Direct PM<sub>2.5</sub> emissions include elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other inorganic particles, including, but not limited to, crustal material, metals, and sea salt.

SECTION 2. (a) This SECTION is supplemental to [326 IAC 2-1.1-1](#).

(b) "PM<sub>10</sub>" means, for the purposes of [326 IAC 2](#), any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (µm) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner. This term includes gaseous emissions or liquid droplets from an air emissions source or activity which condense to form PM<sub>10</sub> at ambient temperatures.

SECTION 3. (a) This SECTION supersedes [326 IAC 2-2-1\(f\)](#).

(b) "Baseline area" means the following:

- (1) Any intrastate area (and every part thereof) designated as attainment or unclassifiable in accordance with [326 IAC 1-4](#) in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows:
  - (A) equal to or greater than one (1) microgram per cubic meter (µg/m<sup>3</sup>) (annual average) for SO<sub>2</sub>, NO<sub>2</sub>, or PM<sub>10</sub>; or
  - (B) equal to or greater than three-tenths (0.3) microgram per cubic meter (µg/m<sup>3</sup>) (annual average) for PM<sub>2.5</sub>.
- (2) Area redesignations under [326 IAC 1-4](#) and Section 107(d)(1)(D) or 107(d)(1)(E) of the CAA cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:
  - (A) establishes a minor source baseline date; or
  - (B) is subject to 40 CFR Part 52.21\* and [326 IAC 2-2](#) and would be constructed in the same state as the state proposing the redesignation.
- (3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that the baseline area shall not remain in effect if the U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR Part 52.21(b)(14)(iv)\*.

\*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.

SECTION 4. (a) This SECTION supersedes [326 IAC 2-2-1\(ee\)](#).

(b) "Major source baseline date" means the following:

- (1) In the case of particulate matter and sulfur dioxide, January 6, 1975.

- (2) In the case of nitrogen dioxide, February 8, 1988.
- (3) In the case of PM<sub>2.5</sub>, October 20, 2010.

SECTION 5. (a) This SECTION supersedes [326 IAC 2-2-1](#)(gg).

(b) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of [326 IAC 2-2](#) or to 40 CFR Part 52.21\* submits a complete application under the relevant regulations, including the following:

- (1) The trigger date is the following:
  - (A) In the case of particulate matter and sulfur dioxide, August 7, 1977.
  - (B) In the case of nitrogen dioxide, February 8, 1988.
  - (C) In the case of PM<sub>2.5</sub>, October 20, 2011.
- (2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:
  - (A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under [326 IAC 1-4](#) for the pollutant on the date of its complete application under [326 IAC 2-2](#); and
  - (B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.
- (3) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that the commissioner may rescind a minor source baseline date where it can be shown, to the satisfaction of the commissioner, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM<sub>10</sub> emissions.

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SECTION 6. (a) This SECTION supersedes [326 IAC 2-2-1](#)(ss).

(b) "Regulated NSR pollutant" means any of the following:

- (1) Any:
  - (A) pollutant for which a national ambient air quality standard has been promulgated; and
  - (B) constituents or precursors for the pollutants identified by the U.S. EPA.
- (2) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.
- (3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the CAA.
- (4) Any pollutant that otherwise is subject to regulation under the CAA as defined in SECTION 8 of this document.
- (5) Notwithstanding subdivisions (1) through (4), any or all HAPs either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, which have not been delisted pursuant to Section 112(b)(3) of the CAA, are not regulated NSR pollutants unless the listed HAP is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the CAA.
- (6) Notwithstanding subdivision (5), any pollutant listed in SECTION 7(b)(1)(A) through SECTION 7(b)(1)(V) of this document.

SECTION 7. (a) This SECTION supersedes [326 IAC 2-2-1](#)(ww).

(b) "Significant" means the following:

- (1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:
  - (A) Carbon monoxide: one hundred (100) tons per year.
  - (B) Nitrogen oxides: forty (40) tons per year.
  - (C) Sulfur dioxide: forty (40) tons per year.
  - (D) Particulate matter: twenty-five (25) tons per year.
  - (E) PM<sub>10</sub>: fifteen (15) tons per year.

- (F) PM<sub>2.5</sub>: ten (10) tons per year of direct PM<sub>2.5</sub>; forty (40) tons per year of sulfur dioxide; forty (40) tons per year of nitrogen oxide.
- (G) Ozone: forty (40) tons per year of VOC.
- (H) Lead: six-tenths (0.6) ton per year.
- (I) Asbestos: seven one-thousandths (0.007) ton per year.
- (J) Beryllium: four ten-thousandths (0.0004) ton per year.
- (K) Mercury: one-tenth (0.1) ton per year.
- (L) Vinyl chloride: one (1) ton per year.
- (M) Fluorides: three (3) tons per year.
- (N) Sulfuric acid mist: seven (7) tons per year.
- (O) Hydrogen sulfide (H<sub>2</sub>S): ten (10) tons per year.
- (P) Total reduced sulfur (including H<sub>2</sub>S): ten (10) tons per year.
- (Q) Reduced sulfur compounds (including H<sub>2</sub>S): ten (10) tons per year.
- (R) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035) or  $3.5 \times 10^{-6}$  ton per year.
- (S) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.
- (T) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.
- (U) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.
- (V) Ozone-depleting substances (ODS): one hundred (100) tons per year.
- (W) Pollutant greenhouse gases (GHGs): as specified in subsection (zz).
- (X) Any regulated NSR pollutant other than the pollutants listed in this subsection: any emission rate.
- (2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that:
- (A) would be constructed within ten (10) kilometers of a Class I area; and
- (B) has an impact on the area equal to or greater than one (1) microgram per cubic meter (twenty-four (24) hour average).

SECTION 8. (a) This SECTION supersedes [326 IAC 2-2-1\(z\)](#).

(b) "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally applicable regulation codified by the U.S. EPA in 40 CFR, Chapter I, Subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from that regulated activity, except as follows:

- (1) Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a)\*, as added by 75 FR 25686 (May 7, 2010), as the aggregate group of six (6) greenhouse gases shall not be subject to regulation except as provided in subdivisions (4) and (5). Pollutant GHGs includes the following:
- (A) Carbon dioxide.
- (B) Nitrous oxide.
- (C) Methane.
- (D) Hydrofluorocarbons.
- (E) Perfluorocarbons.
- (F) Sulfur hexafluoride.
- (2) For purposes of subdivisions (3) through (5), "tons per year (tpy) CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall represent an amount of GHGs emitted and shall be calculated as follows:
- (A) Subject to clause (C), multiply the mass amount of emissions in tpy for each of the six (6) greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in 40 CFR 98, Subpart A, Table A-1 (Global Warming Potentials)\*, as added by 74 FR 56395 (October 30, 2009).
- (B) Sum the resultant value from clause (A) for each gas to compute a tpy CO<sub>2</sub>e.
- (C) Prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms (including products, byproducts, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material).

- (3) "Emissions increase", as used in subdivisions (4) and (5), means that both a significant emissions increase as calculated using the procedures in 40 CFR 51.166(a)(7)(iv)\* and a significant net emissions increase as defined in [326 IAC 2-2-1\(ii\)](#) and SECTION 7 of this document occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO<sub>2</sub>e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as seventy-five thousand (75,000) tpy CO<sub>2</sub>e instead of applying the value in SECTION 7(b)(1)(X) of this document.
- (4) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if the stationary source is:
- (A) a new major stationary source for a regulated NSR pollutant that is not GHGs and will emit or will have the potential to emit seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more; or
  - (B) an existing major stationary source for a regulated NSR pollutant that is not GHGs and will have an emissions increase of a regulated NSR pollutant, and an emissions increase of seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more.
- (5) Beginning July 1, 2011, in addition to the provisions in subdivision (4), the pollutant GHGs shall be subject to regulation at:
- (A) a new stationary source that will emit or will have the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub>e or more; or
  - (B) an existing stationary source that emits or has the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub>e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of seventy-five thousand (75,000) tpy CO<sub>2</sub>e or more.

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SECTION 9. (a) This SECTION supersedes [326 IAC 2-2-4\(b\)](#).

(b) Exemptions are as follows:

- (1) The requirements of this SECTION shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the source or the net emissions increase of that pollutant from the modification would:
- (A) impact no Class I area and no area where an applicable increment is known to be violated; and
  - (B) be temporary.
- (2) A source or modification shall be exempt from the requirements of this SECTION with respect to monitoring for a particular pollutant if either of the following apply:
- (A) The emissions increase of the pollutant from a new source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following:
    - (i) Carbon monoxide: 575 µg/m<sup>3</sup>, 8-hour average.
    - (ii) Nitrogen dioxide: 14 µg/m<sup>3</sup>, annual average.
    - (iii) PM<sub>10</sub>: 10 µg/m<sup>3</sup>, 24-hour average.
    - (iv) PM<sub>2.5</sub>: 4µg/m<sup>3</sup>, 24-hour average.
    - (v) Sulfur dioxide: 13 µg/m<sup>3</sup>, 24-hour average.
    - (vi) Ozone: No de minimis air quality level is provided for ozone; however, any net increase of one hundred (100) tons per year or more of VOC subject to PSD would be required to provide ozone ambient air quality data.
    - (vii) Lead: 0.1 µg/m<sup>3</sup>, 3-month average.
    - (viii) Mercury: 0.25 µg/m<sup>3</sup>, 24-hour average.
    - (ix) Beryllium: 0.001 µg/m<sup>3</sup>, 24-hour average.
    - (x) Fluorides: 0.25 µg/m<sup>3</sup>, 24-hour average.
    - (xi) Vinyl chloride: 15 µg/m<sup>3</sup>, 24-hour average.
    - (xii) Total reduced sulfur: 10 mg/m<sup>3</sup>, 1-hour average.
    - (xiii) Hydrogen sulfide: 0.2 µg/m<sup>3</sup>, 1-hour average.
    - (xiv) Reduced sulfur compounds: 10 µg/m<sup>3</sup>, 1-hour average.
  - (B) The concentrations of the pollutant in the area affected by the source or modification are less than the concentrations listed in clause (A) or the pollutant is not listed in clause (A).
- (3) The requirements of this SECTION shall not apply to a major stationary source or major modification with respect to pollutant GHGs.

SECTION 10. (a) This SECTION supersedes [326 IAC 2-2-6\(b\)](#).

(b) Increment consumption shall be in accordance with the following:

(1) The following allowable increments reflect the PSD increments for a Class II area (as defined in the CAA). Indiana has no Class I or Class III areas; however, should some areas of the state be classified as Class I or III, the PSD increments pursuant to 40 CFR Part 52.21\* shall apply. New permits issued after January 1, 1995, shall use  $PM_{10}$  as the indicator for particulate matter. The allowable increments are as follows:

Maximum Allowable Increments	
Pollutants	Allowable Increments (Micrograms per Cubic Meter, $\mu\text{g}/\text{m}^3$ Limits)
<b>(A) Particulate matter:</b>	
<b>(<math>PM_{10}</math>):</b>	
Annual arithmetic mean	17
24-hour maximum	30
<b>(<math>PM_{2.5}</math>):</b>	
Annual arithmetic mean	4
24-hour maximum	9
<b>(B) Sulfur dioxide:</b>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
<b>(C) Nitrogen dioxide:</b>	
Annual arithmetic mean	25

(2) For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(3) When an applicant proposes to construct a major stationary source or major modification in an area designated as attainment or unclassified and the increments listed in subdivision (1) have been consumed, the increased emissions from the source or modification may be permitted to be offset by reducing emissions in the affected areas by an equal amount of the pollutant for which the area was designated as attainment or unclassified.

(4) The following pollutant concentrations shall be excluded when determining compliance with a maximum allowable increase:

(A) Concentrations attributable to the increase in emissions from sources that have converted from the use of petroleum products or natural gas, or both, by reason of an order in effect under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from such sources before the effective date of such an order.

(B) Concentrations attributable to the increase in emissions from sources that have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources that are affected by state implementation plan revisions approved by U.S. EPA are excluded provided the following criteria is met:

(i) The exclusion shall not exceed two (2) years in duration unless a longer time is approved by the commissioner and the U.S. EPA.

(ii) The exclusion is not renewable.

(iii) The exclusion shall allow no emissions increase that would impact a Class I area or an area where an applicable increment is known to be violated, or cause or contribute to a violation of an ambient air quality standard as designated in [326 IAC 1-3](#).

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) that will ensure that the emissions levels will not exceed those levels occurring from such source before the exclusion was granted.

(5) No exclusion of a concentration under subdivision (4)(A) through (4)(B) shall apply more than five (5) years after the date the exclusion is granted under this rule. If both an order and plan are applicable, no exclusion shall apply more than five (5) years after the latter of the effective dates of the order or the plan.

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SECTION 11. (a) This SECTION supersedes [326 IAC 2-2-14\(e\)](#).

(b) The owner or operator of a proposed major stationary source or major modification may demonstrate to the federal land manager that the emissions from the source or modification would have no adverse impact on the air quality related values of any Class I areas, including visibility, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with the demonstration and the federal land manager so certifies, the department may issue the permit provided that the applicable requirements of this SECTION are otherwise met, to issue the permit with emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen oxides shall not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Pollutant	Maximum Allowable Increase (Micrograms Per Cubic Meter)
<b>Particulate Matter:</b>	
PM <sub>2.5</sub> , annual arithmetic mean	4
PM <sub>2.5</sub> , 24-hour maximum	9
PM <sub>10</sub> , annual arithmetic mean	17
PM <sub>10</sub> , 24-hour maximum	30
<b>Sulfur dioxide:</b>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
<b>Nitrogen dioxide:</b>	
Annual arithmetic mean	25

SECTION 12. (a) This SECTION supersedes [326 IAC 2-3-1\(pp\)](#).

(b) "Significant", in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, means a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM <sub>2.5</sub>	10 tpy of direct PM <sub>2.5</sub> ; 40 tpy of sulfur dioxide; 40 tpy of nitrogen oxide
PM <sub>10</sub>	15 tpy
Ozone (marginal and moderate areas)	40 tpy of VOC or oxides of nitrogen (unless a NOX waiver is in effect)
Lead	0.6 tpy

SECTION 13. (a) This SECTION supersedes [326 IAC 2-3-2\(f\)](#).

(b) Major stationary sources or major modifications that would locate in any area designated as attainment or unclassifiable in the state and would exceed the following significant impact levels at any locality, for any pollutant that is designated as nonattainment, must meet the requirements specified in [326 IAC 2-3-3\(a\)\(1\)](#) through [326 IAC 2-3-3\(a\)\(3\)](#). All values are expressed in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ):

Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
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Sulfur dioxide	1	5	X	25	X
Total suspended particulates	1	5	X	X	X
PM <sub>10</sub>	1	5	X	X	X
PM <sub>2.5</sub>	0.3	1.2	X	X	X
Nitrous oxides	1	X	X	X	X
Carbon monoxide	X	X	500	X	2000

SECTION 14. (a) This SECTION supersedes [326 IAC 2-7-1\(39\)](#).

(b) "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally applicable regulation codified by the U.S. EPA in 40 CFR, Chapter I, Subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from that regulated activity, except as follows:

(1) Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a)\*, as added by 75 FR 25686 (May 7, 2010), as the aggregate group of six (6) greenhouse gases shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) or more.

Pollutant GHGs includes the following:

- (A) Carbon dioxide.
- (B) Nitrous oxide.
- (C) Methane.
- (D) Hydrofluorocarbons.
- (E) Perfluorocarbons.
- (F) Sulfur hexafluoride.

(2) "Tons per year (tpy) CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall represent an amount of GHGs emitted and shall be calculated as follows:

- (A) Subject to clause (C), multiply the mass amount of emissions in tpy for each of the six (6) greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in 40 CFR 98, Subpart A, Table A-1 (Global Warming Potentials)\*, as added by 74 FR 56395 (October 30, 2009).
- (B) Sum the resultant value from clause (A) for each gas to compute a tpy CO<sub>2</sub>e.
- (C) Prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms (including products, byproducts, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material).

SECTION 15. A variance request from the requirements of this document shall be made in accordance with [IC 13-14-8-8](#).

SECTION 16. This document expires January 31, 2012.

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