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

### **SECOND NOTICE OF COMMENT PERIOD #97-18(APCB)**

#### **DEVELOPMENT OF AMENDMENTS TO A RULE CONCERNING EMISSION REPORTING**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to the emission reporting rule, 326 IAC 2-6. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citation listed and any other provisions of Title 326 that may be affected by this rulemaking.

##### **HISTORY**

First Notice of Comment Period: November 1, 1997, Indiana Register (21 IR 801).

First Notice of Comment Period (LSA#00-44, Readoption of Rules in Title 326 under IC 13-14-9.5): March 1, 2000, Indiana Register, (23 IR 1488).

Continuation of First Notice of Comment Period (LSA #00-44): May 1, 2000, Indiana Register (23 IR 2109).

**CITATIONS AFFECTED:** 326 IAC 2-6.

**AUTHORITY:** IC 13-14-8; IC 13-17-3.

##### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

The emission reporting rule, 326 IAC 2-6, was adopted by the Air Pollution Control Board and became effective in 1993. It requires air emission sources over specified emission thresholds to report their actual emissions of certain pollutants to the department annually. This information is used for air quality planning purposes and is also the basis for fee billing under 326 IAC 2-7.

On November 1, 1997, IDEM published a First Notice of Comment Period in the Indiana Register concerning amendments to the emission reporting rule at 21 IR 801. In the notice, IDEM identified several issues that were to be addressed in the rulemaking. Those issues included adding definitions to clarify the requirements of the rule, revising existing definitions for clarification and consistency, and adding particulate matter (PM) to the list of pollutants to be reported and used for applicability determinations. IDEM also solicited comment on whether and how the rule should be amended to require the reporting of hazardous air pollutants (HAPs).

Since the publication of the November 1, 1997, First Notice of Comment Period, the emission reporting rule, 326 IAC 2-6, has become subject to the "sunset" statute, IC 13-14-9.5, Expiration and Readoption of Administrative Rules. This statute requires all administrative rules in force on December 31, 1995 to be readopted and effective by January 1, 2002 or they will expire. A comment was received for 326 IAC 2-6 during the First Notice of Comment Period requesting that IDEM readopt this rule separately from the general readoption rule. This Second Notice of Comment Period continues the process for amending 326 IAC 2-6, and IDEM will proceed with the amendments and fulfill the requirements of the "sunset" statute.

Following is a brief discussion of key modifications IDEM suggests for the rule. IDEM solicits comments on the proposed modified rule language and any other issues of concern.

##### **Applicability**

The current emission reporting rule applies to all sources located in ozone nonattainment and maintenance counties that have potential to emit volatile organic compounds (VOCs), and nitrogen oxides (NO<sub>x</sub>) greater than 10 tons per year. The rule also applies to all sources in the state that have the potential to emit greater than one hundred (100) tons per year of VOC, NO<sub>x</sub>, carbon monoxide (CO), particulate matter less than ten (10) microns (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>) or greater than five (5) tons per year of lead. These sources must report actual air emissions to the department annually. Some sources that have accepted an enforceable limit on their potential to emit are not subject to the annual reporting requirements unless specified in their operating permit or agreement.

Draft rule language in this notice expands applicability of the reporting requirements to all sources subject to the Part 70 (Title V) permit program and to the federally enforceable state operating (FESOP) permit program. The intent is to provide clarity that all major sources (those subject to Title V) must report their actual emissions to the department annually and to include FESOP

emissions in the state inventory.

Inclusion of FESOP sources is intended to provide a more complete inventory of air pollutant emissions in the state. This information is necessary to:

Assess accurately the effectiveness of pollution control programs.

Evaluate the air quality impacts of new construction or major modifications to existing major sources.

Provide the department and U.S. EPA with the most accurate information available when considering future control strategies and policies.

The lack of timely and reliable emissions data can result in significant gaps in pollution control strategies and policies. In some instances, the most recent data for permitted sources is over six (6) years old. Furthermore, since FESOP sources potentially can emit up to major source levels of criteria pollutants, their emissions can be significant.

Establishing reporting requirements for FESOP sources will allow IDEM to provide consistency to how these sources are required to report. Currently, all FESOP sources are required to file compliance reports on a quarterly basis and nearly half are required to report emission statements annually because they are located in ozone nonattainment and maintenance counties. After reviewing the compliance reports, it has been found that the sources have been required to report in a variety of ways, for example, by fuel usage, source wide emissions, and process rates. These methods of reporting can provide information on the compliance status of the source, but they can rarely provide the information necessary to compile an accurate emission inventory.

IDEM is required to submit a comprehensive emissions inventory to U.S. EPA once every three years, and as a result, IDEM is required to estimate the emissions from the FESOP sources using U.S. EPA methodologies that are based upon county-wide employment and fuel usage. These methodologies are thought to result in overestimates of industries' impact on air pollution. Realizing that these sources are generally small and that annual reporting would be burdensome, IDEM has proposed to allow the FESOP sources to report once every three years. A triennial reporting cycle should not prove burdensome to sources that are already required to report on a quarterly basis, and it would remove an excess burden to the nearly half that are currently required to report annually. Further, the department will work with affected sources by sending timely reminders, including emission reporting packages complete with guidance and software at the beginning of the year that the affected source is required to report.

Draft rule language is included to provide an exemption for sources operating pursuant to a Source Specific Operating Agreement (SSOA), permit by rule, or registration, except for those that emit nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOC) located in an ozone nonattainment or maintenance county. The SSOA exemption would eliminate fifty-eight (58) small sources (mostly mines and quarries) from the reporting requirements of the rule.

The list of pollutants to be reported has been moved to section 4, Requirements.

### **Definitions**

The addition, deletion or amendment of several definitions is proposed to provide consistency with permit rules, reflect removal of specific reporting requirements, or provide clarity. Definitions of "authorized individual", "capture efficiency", "maximum design capacity", "maximum design rate", "maximum nameplate capacity", "North American Industry Classification System" and "process" have been added. Definitions of "peak ozone season", "point", "stationary source", "segment" and "typical ozone season day" have been deleted. Other definitions have been amended to be consistent with permitting rules.

### **Compliance schedule**

The proposed compliance schedule would require annual reporting of all Title V sources. In addition, FESOP sources would report every three (3) years with approximately one-third of the sources reporting each year based on the county in which they are located. A three (3) year schedule is consistent with federal requirements that states update their inventories on a three (3) year cycle. A subsection was also added to allow electronic submittal of emission statements with a written certification that the information in the emission statement is true, accurate, and complete.

### **Requirements**

Proposed deletions include eliminating seasonal reporting of ozone precursors. This requirement was established to assist IDEM in complying with federal emission reporting requirements. IDEM policy allows sources to report on a calendar quarter basis since the emission reporting system can convert reported data easily to obtain ozone season information, thus meeting the reporting requirements of U.S. EPA without creating an additional burden on affected sources.

Proposed modifications include allowing sources to use emission factors from updated documentation as approved by IDEM. Current references are constantly updated and in many instances, sources are reporting emissions using factors that are not approved under the current state rule language, yet may be the best information available.

Issues concerning the requirements section include:

Specifying reporting levels.

Requiring reporting of stack parameters.

Expanding the list of reportable pollutants.

**Specifying de minimis reporting levels.** The draft rule does not include de minimis reporting levels for HAPs at this time. However, specifying de minimis reporting levels would ensure consistency in reporting, would ensure that reportable quantities

are at levels that will provide useful information for planning purposes, and would eliminate the burden associated with reporting HAPs that are emitted below de minimis levels. The current practice for reporting levels for sources subject to the existing rule is to report to the second decimal place in tons (one-hundredth (0.01) of a ton) or twenty (20) pounds. The twenty (20) pound level may be too high for certain HAPs. One example is dioxin, which is typically emitted in very small amounts. The state total estimate for dioxin is less than one-thousandth (0.001) pound per year. A much lower de minimis level would be needed in order to collect any useful information for this HAP. Options range from leaving the draft rule as is (no de minimis reporting levels) to setting different de minimis levels for different groupings of HAPs, or for each listed HAP. The latter is the approach that Wisconsin has taken. To calculate HAP emissions, emission factors are available from several additional references listed in the requirements section under the information to submit with the statement. The department seeks comment on the issue of de minimis reporting levels for HAPs.

**Requiring reporting of stack parameters.** Stack parameters are currently reported by some sources and not by others. IDEM proposes that the rule require this information to be reported. Stack parameter information will provide required information to do modeling analyses for prevention of significant deterioration as well as toxics planning.

**Expanding the list of reportable pollutants.** The list of reportable pollutants is expanded to sixty-four (64) including the current list of six (6) criteria pollutants. The added pollutants are all classified as HAPs pursuant to state and federal rules. Rather than require reporting of all one hundred eighty-eight (188) pollutants defined in the Clean Air Act Amendments of 1990 and by U.S.EPA as HAPs, the department has proposed a strategic list of pollutants to be reported. The selection criteria along with a list of the newly added pollutants are as follows:

1. U.S. EPA Urban Air Toxic Strategy HAP

These HAPs represent those that US EPA has identified as being of most concern to public health in urban areas. Although many of these HAPs have the greatest emissions contributions from area and mobile sources, they are also emitted from major point sources, including combustion sources.

2. Toxicity-weighted TRI and RAPIDS HAPs

IDEM proposes these HAPs be reported to collect information on those pollutants that may present the greatest hazard in Indiana based on two key inventories of air toxics: the Toxic Release Inventory (TRI) and Regional Air Pollutant Inventory Development System (RAPIDS). The pollutants were ranked using toxicity ranking factors for cancer and non-cancer health effects. Four lists were developed using the non-cancer and cancer weighting factors for each inventory. Using a break in the data, the top fifteen (15) from each list were selected. Some pollutants are on more than one of the top fifteen (15) lists and a few of the TRI pollutants are not HAPs and are not included in the list of pollutants to be reported. Toxicity weighting factors were developed by the U.S. EPA Office of Pollution Prevention and Toxics (OPPT) and are used in the Chicago Cumulative Risk Initiative (CCRI). As in the CCRI project, the weighting factors are used to rank emissions to identify priority pollutants from the TRI and RAPIDS emissions inventory.

3. High Volume TRI HAPs

IDEM selected these HAPs to collect information on those pollutants used in high volume in Indiana by ranking the TRI pollutants by volume reported. The top fifteen (15) were selected, of which three are not HAPs and were not included in the list. For example, this criterion would require reporting of styrene.

4. Monitored HAP

In 1999, IDEM began a two (2) year monitoring study to support the agency's Reducing Toxics Initiative. The two (2) year study focused on establishing air toxics monitoring stations in four (4) urban areas with the highest reported releases of toxic chemicals to the air: Elkhart County, Marion County, Vanderburgh and Posey Counties, and Northwest Indiana. A permanent monitoring station was located in each area for the duration of the study with three (3) short-term (six (6) month) neighborhood assessment sites located on a rotating basis in each community. Monitoring sites were located based on exposed population. In the case of Northwest Indiana, data collected by this study supplement longer term data that have been collected in Hammond and Gary. The study is scheduled for completion in the summer of 2001. Based on current monitoring, several chemicals have been identified that are consistently at the top of the rankings in all urban areas. Average concentrations of these chemicals were greater than or equal to the chronic cancer benchmark for each of these respective chemicals. Vinylidene chloride is the exception. It is not reported by any source in Indiana but was monitored at levels much above the chronic cancer benchmark in Posey county. This chemical is of particular concern in southwest Indiana.

5. Billable HAPs

All HAPs are regulated air pollutants subject to permit fees, but some HAPs, such as mercury compounds and methylene chloride, are neither VOC or PM, are not included in those categories of pollutants for fee calculations, and must be reported separately for billing purposes.

The following table provides information about the HAPs included in section 4 of the draft rule. Note that a large number of HAPs on this list meet several criteria.

	UATS	Billable HAP	Toxicity-weighted HAP	TRI-Volume	Monitoring
Acetaldehyde	X		X		
Acrolein	X		X		
Acrylonitrile	X				
Arsenic Compounds	X		X		
Benzene	X		X		X
Beryllium Compounds	X		X		
1,3-Butadiene	X		X		
Cadmium Compounds	X		X		
Carbon Tetrachloride	X				
Chloroform	X				X
Chromium Compounds	X		X		
Coke Oven Emissions	X		X		
1,3-Dichloropropene	X				
Ethylene Dibromide (1,2-dibromoethane)	X				
Ethylene Dichloride (1,2-dichloroethane)	X		X		X
Ethylene Oxide	X		X		
Formaldehyde	X		X		
Hexachlorobenzene	X				
Hydrazine	X				
Lead Compounds	X		X		
Manganese Compounds	X		X		
Mercury Compounds	X	X	X		
Methylene Chloride (dichloromethane)	X	X	X	X	
Nickel Compounds	X		X		
Perchloroethylene (tetrachloroethylene)	X		X		
Polychlorinated Biphenyls	X				
Polycyclic Organic Matter	X				
Propylene Dichloride (1,2-dichloropropane)	X				X
Quinoline	X				
2,3,7,8-tetrachlorodi-benzo-p-dioxin	X				
1,1,2,2-Tetrachloro-ethane	X				
Trichloroethylene	X		X	X	
Vinyl Chloride	X				X
Chlorine		X			
Hydrochloric Acid		X		X	
Hydrofluoric Acid		X			
Methyl chloroform		X			
Phosphine		X			
Cobalt			X		
Propylene Oxide			X		
Naphthalene			X		
Methylene (B)4-pheny-lisocyanate			X		
Glycol Ethers			X	X	
Toluene			X	X	
Toluene diisocyanate			X		
Carbonyl sulfide			X	X	
Triethylamine			X		
Diethanolamine			X		
Xylene			X	X	
Hexane			X	X	
Methyl ethyl ketone			X	X	

Methanol	X	X	
Phenol	X	X	
Styrene		X	X
Vinylidene chloride			X
Chloromethane (methyl chloride)			X

**Discussion of recommendation for HAP reporting**

Indiana’s air toxic program is based on the federal air toxics program. The federal program, contained in Section 112 of the Clean Air Act Amendments of 1990, establishes a two phase approach for addressing air toxics. The first phase, which is nearing completion, is the development and implementation of technology-based standards designed to reduce emissions of hazardous air pollutants (HAP) from all major emitting sources and certain smaller sources, such as dry cleaners and chromium electroplaters. These standards are known as maximum achievable control technology, or MACT. U.S. EPA is required to identify the source categories to be regulated and then to develop the MACT standards according to a schedule. The Clean Air Act required U.S. EPA to complete this phase by November 15, 2000. However, there have been some delays in completing MACT standards for all identified source categories. IDEM has incorporated the MACT standards as they have been promulgated by the U.S. EPA.

The second phase, which is just beginning, is the evaluation of the effectiveness of the technology based standards in reducing risk to public health from exposure to HAPs. The established criterion for “residual risk” in most instances is an excess cancer risk of one (1) in a million (1,000,000) resulting from chronic (greater than seventy (70) years) exposure. U.S. EPA is required to develop more stringent “risk based” emission limitations, or standards, where it determines that an unacceptable public health risk remains even after the implementation of the technology based standards.

Because of the complexities involved in residual risk evaluation and due to limited resources, U.S. EPA is looking at regulatory frameworks to ensure that this important requirement of the Clean Air Act is addressed. The most common element of the frameworks under consideration is that of a state-federal partnership to assess residual risk and to develop strategies to reduce risk. Another common thread is U.S. EPA’s responsibility under the Clean Air Act to reduce risk from those pollutants of most concern in urban areas, where the greatest populations are exposed. Having complete and accurate emissions information for hazardous air pollutants will be essential to this process and for Indiana’s full participation in discussions and decisions at the national level.

To develop sound and realistic public policy in Indiana, reported HAP emissions information is necessary. Uses of this information include:

- Modeling analyses.
- Assessing emission trends and reductions resulting from implementation of state and federal regulations.
- Projecting future control strategies.
- Tracking progress to meet requirements of the Clean Air Act.
- Assessing hazards to the public health and the environment.
- Responding to public inquiries.
- Assessing fees for permits.

Other states that require HAPs reporting are California, Florida, Illinois, New York, North Carolina, Texas, Washington, and Wisconsin.

The approach suggested in this draft rule is a sensible first step in developing accurate HAP information. Rather than including all federally designated HAP, IDEM has used criteria to identify those HAP for which there is the most compelling need. Requiring only the larger sources (those subject to the Title V and FESOP programs) to report emissions will help ease the reporting burden because it eliminates many small HAP emitting sources from the reporting requirements of the rule. One concern often raised is that of the availability of reliable emission factors for estimating emissions. Over the last several years, much work has been done in that area, by both industry and U.S. EPA. Emission factors for most processes are available either through U.S. EPA data sources, such as the Factor Information Retrieval System (FIRE) database or through source specific factors. In many cases, these factors have been used for permitting purposes. The department will work with affected sources by developing additional guidance to assist in reporting emissions and by sending emissions reporting packages, complete with guidance and software, to streamline the reporting process. These packages are currently sent out at the beginning of the year that the affected source is required to report.

**NOTICE OF PUBLIC MEETINGS**

- IDEM has scheduled two (2) public meetings to discuss the draft rule:
- (1) February 8, 2001, at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room C, Indianapolis, Indiana.
  - (2) February 22, 2001, at 1:00 p.m., at the Elkhart County Public Services Building, Rooms A and B, 4230 Elkhart Road, Goshen, Indiana.

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comments from November 1, 1997, through December 1, 1997, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Accra Pac Group, (APG)  
Bruce Carter Associates, (BCA)  
Eli Lilly and Company, (ELC)  
Glaval Corporation, (GC)  
Greater Elkhart Chamber of Commerce, (ECC)  
Homecrest Corporation, (HC)  
Indiana Manufacturers Association, (IMA)  
Monaco Coach Corporation, (MCC)  
Skyline Corporation, (SC)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* The current rule is unfair and burdensome to companies located in the previous nonattainment counties that are subject to early reporting and the lower reporting applicability thresholds. Any change to the rule should include revising section 1 to remove the references to those counties that were previously designated as nonattainment. The lower applicability thresholds and earlier reporting should only apply to those counties that are currently designated as nonattainment for the ozone standard. (APG) (BCA) (ELC) (GC) (ECC) (HC) (IMA) (MCC) (SC)

*Response:* Although these counties have been redesignated, there are maintenance plan requirements that are still in effect to assure that the ozone standard continues to be maintained. IDEM believes that the current applicability thresholds in the rule provide necessary information concerning maintenance plan requirements. Furthermore, U.S. EPA requires that the state report emission data for any county that has an implementation plan by July 1st. The April 15<sup>th</sup> deadline ensures that the department has adequate time to review and assure the quality of the data by the July 1<sup>st</sup> deadline.

*Comment:* The rule contains two (2) provisions that define the certification requirements. The requirements are unclear and contain vague language. The definition for a certifying individual under 326 IAC 2-6-2 should be deleted and the language under 326 IAC 2-6-4(1) should be revised as follows:

A certification by an employee of the owner or operator of the source that the information in the emission statement is, based on a reasonable inquiry into records and persons responsible for the operation of the source, true, accurate and complete. The certification shall include the full name, title, signature, date of signature, and telephone number of the person signing the certification.

(ELC) (IMA)

*Response:* IDEM agrees and has replaced the definition for "certifying individual" with one for "authorized individual" (326 IAC 2-1.1-1(1)). The rule is consistent with other rulemakings and definitions.

*Comment:* The reporting of hazardous air pollutants (HAPs) is burdensome, time consuming, and it is often difficult to obtain accurate emissions based on the lack of reliable emission factors and other emission information. Providing actual HAP emissions information is duplicative of other reporting requirements and should not be required unless there is a specific need for the information or a clear justification for this additional requirement. (GC) (ECC) (IMA) (SC)

*Comment:* A requirement for HAPs emission reporting would be appropriate provided such requirement serves a reasonable purpose, does not duplicate other reporting requirements, or does not appreciably increase the burden on companies reporting the data. For example, it is appropriate to require Title V sources to report HAPs that are not VOCs or other criteria pollutants for Title V fee purposes. This would include a requirement to report the total non-criteria HAP emissions for the entire plant site. This does not include the reporting of individual HAP emissions data. (ELC)

*Response:* IDEM agrees that certain HAPs should be reported, especially those concerning Title V sources and fees. Because reported emissions are necessary to evaluate emission trends and totals in relation to air quality planning and can be used for other purposes, IDEM believes that the reporting should go beyond plant totals of some HAPs. This is especially true when gauging the effectiveness of the federal Section 112(d) air toxics program on Indiana sources. Section 112(d) standards are process oriented. Therefore, major sources and sources subject to the Section 112(d) standards should report the process related information for HAPs to allow IDEM to evaluate the effectiveness of the standards. Plant totals would not be useful for this purpose. Process related information is generally available for most sources. The data would also be useful in relation to other federal programs concerning HAP emissions, such as the programs under Section 112(f) for residual risk, Section 112(k) for area sources, and Section 112(m) for the Great Lakes Initiative. It should be noted that U.S. EPA continues to work to improve the emission factors for estimating HAP emissions. Present emission factors are much better than those available when the rule was initially promulgated in 1993.

#### **SUMMARY/RESPONSE TO COMMENTS FROM FIRST COMMENT PERIOD (LSA#00-44)**

IDEM requested public comments from March 1, 2000, to March 31, 2000, and continued the comment period from May 1, 2000,

to May 30, 2000, on the expiration and readoption of rules in Title 326 of the Indiana Administrative Code pursuant to IC 13-14-9.5. IDEM received comments from the following party by the comment period deadline:

Mark E. Shere, Attorney for Indianapolis Power and Light (IPL)

Following is a summary of the comment received and IDEM's responses thereto:

*Comment:* 326 IAC 2-6 needs revisions including identifying portions of the rule that impose additional burdens beyond federal requirements, identifying the practical problem that requires such additional burden, clarifying the rules to resolve numerous problems that permit writers have encountered in implementation, improving the consistency and flow of the requirements in distinguishing between major and minor sources, and resolving problems associated with implementing Title V requirements at facilities that filed timely applications but have not yet received Title V permits. (IPL)

*Response:* Pursuant to IC 13-14-9.5-4(b), you requested that 326 IAC 2-6 be readopted separately from the general readoption rule authorized by IC 13-14-9.5(a). With this second notice of comment period, IDEM is requesting comment on the draft rule language, including suggestions for specific revisions to the draft rule.

### REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#97-18(APCB) (Emission Reporting)

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0430.

### COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered or faxed by March 5, 2001.

Additional information regarding this action may be obtained from Jean Beauchamp, Rules Development Section, Office of Air Management, (317) 232-8424 or (800) 451-6027, ext. 2-8424 (in Indiana).

### DRAFT RULE

SECTION 1. 326 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-6-1 Applicability of rule

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

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

Sec. 1. (a) This rule applies to all sources located in the following counties which that have the potential to emit volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) into the ambient air at levels equal to or greater than ten (10) tons per year **and that are located in the following:**

(1) ~~Clark:~~ **Counties designated as nonattainment of the national ambient air quality standard for ozone according to 40 CFR 81.315, Subpart C, Section 107, Attainment Status Designations, Indiana\*.**

(2) ~~Elkhart:~~ **Counties with an approved maintenance plan redesignated to attainment of the national ambient air quality standard for ozone according to 40 CFR 52.777, Subpart P-Indiana, Control strategy: Photochemical oxidants (hydrocarbons)\*.**

(3) ~~Floyd:~~

(4) ~~Lake:~~

(5) ~~Marion:~~

(6) ~~Porter:~~

(7) ~~St. Joseph:~~

(8) Vanderburgh.

(b) This rule also applies to all sources not covered by subsection (a) which have the potential to emit carbon monoxide (CO), volatile organic compounds (VOC), oxides of nitrogen (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), or sulfur dioxide (SO<sub>2</sub>) into the ambient air at levels equal to or greater than one hundred (100) tons per year: **that are required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program.**

(c) This rule applies to all sources not covered by subsection (a) or (b) which have the potential to emit lead into the ambient air at levels equal to or greater than five (5) tons per year: **that are required to have an operating permit under 326 IAC 2-8, Federally Enforceable State Operating Program.**

(d) If any of the six (6) pollutants listed in subsections (b) and (c) are emitted by a source at levels equal to or greater than the cut-offs set in subsections (a) through (c); then any other emission of a named pollutant by that source must be included in the emission statement even if it is emitted at a level below the applicable cut-offs.

**(d) Except for sources subject to subsection (a), this rule does not apply to sources that have any of the following:**

- (1) A source specific operating agreement under 326 IAC 2-9.**
- (2) A permit by rule under 326 IAC 2-10 or 326 IAC 2-11.**
- (3) A registration under 326 IAC 2-5.5.**

**\*Copies of the Code of Federal Regulations referenced in this article are incorporated by reference and available for copying from the Office of Air Quality, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana or may be obtained from the Government Printing Office, Washington, D. C. 20204. (Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732)**

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

### **326 IAC 2-6-2 Definitions**

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

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

**Sec. 2. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise:**

(1) "Actual emissions" means the actual rate of emissions **in tons per year** of a **any regulated** pollutant from an emissions unit for the calendar year. ~~or seasonal period.~~

(2) "Annual process rate" means the actual or estimated annual fuel, process, or solid waste operating rate in an emission statement operating year.

(3) "Certifying individual" means the individual responsible for the completion and certification of the emission statement, such as an officer of the company or an employee; and who will take legal responsibility for the accuracy of the emission statement.

**(3) "Authorized individual" has the meaning set forth in 326 IAC 2-1.1-1(1).**

**(4) "Capture efficiency" means the percent of the total emissions captured and routed to a control device.**

**(4) (5) "Control efficiency" means the actual emission control efficiency achieved by the applicable emission control device(s) during the emission statement operating year. The percent of the emissions routed to a control device that are destroyed or captured by the control device. Control efficiency shall reflect includes control equipment downtime, operation with diminished effectiveness, and any other malfunctions that occurred while the emission source(s) source or sources were in operation. If the actual control efficiency during the emission statement operating year is unknown or cannot reasonably be predicted from available data, then the efficiency designed by the manufacturer may be used. When the actual control efficiency is unknown, it should be clearly indicated that the designed efficiency, and not the actual efficiency, is being reported. Control efficiency is a measure of how well the device controls emissions; it should not be confused with capture efficiency which reflects how much of the pollutant is routed to the control device.**

**(5) (6) "Control equipment identification code" means the Aerometric Information Retrieval System (AIRS) or AIRS Facility Subsystem (AFS) code which provided by the department that defines the equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutants in an air stream prior to discharge to the ambient air.**

**(6) (7) "Downtime" means the period of time when the control device is not operational during the corresponding period of the**



process.

~~(7)~~ **(8)** “Emission factor” means an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity, divided by the rate of that activity, such as production rate or throughput.

~~(8)~~ **(9)** “Emission statement operating year” means the twelve (12) consecutive month time period starting ~~December 1 and ending November 30~~ for those sources that fall within section 1(a) of this rule and the twelve (12) consecutive month period starting January 1 and ending December 31. ~~for those sources that fall within section 1(b); and 1(c) of this rule.~~

**(10)** “Emissions unit” has the meaning set forth in 326 IAC 1-2-23.5.

~~(9)~~ **(11)** “Estimated emissions method code” means a ~~one (1) position AIRS or AFS code which provided by the department that~~ identifies the estimation technique used in the calculation of estimated emissions.

~~(10)~~ **(12)** “Fugitive emission” means releases to the air that are not emitted through stacks, vents, ducts, pipes, or any other confined air stream, including fugitive equipment leaks, evaporative losses from surface impoundments, and releases from building ventilation systems. **has the meaning set forth in 326 IAC 2-7-1(18).**

**(13)** “Maximum design capacity” means the maximum operational capacity for an emission unit.

**(14)** “Maximum design rate” means the maximum fuel use rate based on the equipment’s or process’ physical size or operational capabilities.

**(15)** “Maximum nameplate capacity” means the rated design capacity at one hundred percent (100%) operation, as determined by the manufacturer or determined by the owner of the equipment if unavailable from the manufacturer.

**(16)** “NAICS” means the North American Industry Classification System.

~~(11)~~ **(17)** “Oxides of nitrogen” or “NO<sub>x</sub>” means air pollution usage comprised of nitric oxide and nitrogen dioxide **nitrogen and oxygen compounds** expressed as molecular weight of nitrogen dioxide.

**(12)** “Peak ozone season” means that contiguous three (3) month period of the year from June through August.

~~(13)~~ **(18)** “Percentage annual throughput” means the following:

(A) The weighted percent of yearly activity for those sources falling under section 1(a) of this rule for the following periods:

(i) December through February.

(ii) March through May.

(iii) June through August.

(iv) September through November.

The first season (December through February) will encompass two (2) calendar years, such as December 1992 through February 1993.

(B) The weighted percent of yearly activity for those sources falling under section 1(b) and 1(c) of this rule for the following periods:

(i) January through March.

(ii) April through June.

(iii) July through September.

(iv) October through December.

~~(14)~~ **(19)** “Plant” means the total facilities **emission units** available for production or service.

**(15)** “Point” means a physical emission point or process such as a distinct building or a portion of a building within a plant that results in pollutant emissions. A unique identifier (point identification number) exists for each point within each facility in the AIRS database.

~~(16)~~ **(20)** “Potential to emit” means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable.

**(21)** “Process” has the meaning set forth in 326 IAC 1-2-58.

~~(17)~~ **(22)** “Process rate” means a quantity per unit time of any raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process. For a stationary internal combustion unit or any other fuel burning equipment, this term means the quantity of fuel burned per unit time.

~~(18)~~ **(23)** “Segment” means components of an emissions point or process, at the level that emissions are calculated. An example of a segment is a boiler burning #2 oil. A unique identifier (segment identification number) exists for each segment within each point and plant in the AIRS database. Each segment is also identified by a source classification code (SCC).

~~(19)~~ **(23)** “SIC code” means the standard industrial classification code ~~A~~ **from the** series of codes devised by the United States Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

**(24)** “Source” has the meaning set forth in 326 IAC 1-2-73.

~~(20)~~ **(25)** “Stack” means a (smoke) stack or, vent within a plant where emissions are introduced into the atmosphere. A unique

identifier exists for each stack within each facility in the AIRS database: **has the meaning set forth in 326 IAC 1-2-74.**

(21) "Stationary source" means any building, structure, facility, or installation which emits, or may emit, any air pollutant subject to regulation under IC 13-1-1.

(22) "Typical ozone season day" means a day typical of that period of the year during the peak ozone season.

*(Air Pollution Control Board; 326 IAC 2-6-2; filed Nov 12, 1993, 4:00 p.m.: 17 IR 733)*

SECTION 3. 326 IAC 2-6-3 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 2-6-3 Compliance schedule**

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

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

Sec. 3. (a) The owner or operator of any facility falling within the applicability guidelines set forth in section 1 of this rule **a source subject to 326 IAC 2-7** must **submit** annually ~~submit~~ an emission statement to the ~~commissioner~~ **department**. This submittal must be received by the department each year by April 15 for those **326 IAC 2-7** sources covered by section 1(a) of this rule and by July 1 for those sources covered by section 1(b) ~~and 1(c)~~ of this rule. The ~~submittal should~~ **statement shall** cover the ~~time period~~ **previous calendar year** as defined in section ~~2(8)~~ **2(9)** of this rule.

**(b) The owner or operator of a source not subject to subsection (a) must submit an emission statement to the department every three (3) years. This submittal must be received by the department every three (3) years by July 1 according to the county schedule in subsection (c). The statement shall cover the previous calendar year as defined in section 2(9) of this rule.**

**(c) The county schedule for reporting in subsection (b) is:**

**(1) Starting in 2002, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:**

- (A) Adams County.**
- (B) Allen County.**
- (C) Benton County.**
- (D) Carroll County.**
- (E) Cass County.**
- (F) DeKalb County.**
- (G) Elkhart County.**
- (H) Fulton County.**
- (I) Huntington County.**
- (J) Jasper County.**
- (K) Kosciusko County.**
- (L) LaGrange County.**
- (M) Lake County.**
- (N) LaPorte County.**
- (O) Marshall County.**
- (P) Miami County.**
- (Q) Newton County.**
- (R) Noble County.**
- (S) Porter County.**
- (T) Pulaski County.**
- (U) St. Joseph County.**
- (V) Starke County.**
- (W) Steuben County.**
- (X) Wabash County.**
- (Y) Wells County.**
- (Z) White County.**
- (AA) Whitley County.**

**(2) Starting in 2003, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:**

- (A) Blackford County.**

- (B) Boone County.**
- (C) Clinton County.**
- (D) Delaware County.**
- (E) Fayette County.**
- (F) Fountain County.**
- (G) Grant County.**
- (H) Hamilton County.**
- (I) Hancock County.**
- (J) Hendricks County.**
- (K) Henry County.**
- (L) Howard County.**
- (M) Jay County.**
- (N) Johnson County.**
- (O) Madison County.**
- (P) Montgomery County.**
- (Q) Morgan County.**
- (R) Parke County.**
- (S) Putnam County.**
- (T) Randolph County.**
- (U) Rush County.**
- (V) Shelby County.**
- (W) Tippecanoe County.**
- (X) Tipton County.**
- (Y) Union County.**
- (Z) Warren County.**
- (AA) Wayne County.**

**(3) Starting in 2004, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:**

- (A) Bartholomew County.**
- (B) Brown County.**
- (C) Clay County.**
- (D) Crawford County.**
- (E) Daviess County.**
- (F) Dearborn County.**
- (G) Decatur County.**
- (H) Dubois County.**
- (I) Franklin County.**
- (J) Gibson County.**
- (K) Greene County.**
- (L) Harrison County.**
- (M) Jackson County.**
- (N) Jefferson County.**
- (O) Jennings County.**
- (P) Knox County.**
- (Q) Lawrence County.**
- (R) Martin County.**
- (S) Monroe County.**
- (T) Ohio County.**
- (U) Orange County.**
- (V) Owen County.**
- (W) Perry County.**
- (X) Pike County.**
- (Y) Posey County.**
- (Z) Ripley County.**
- (AA) Scott County.**

- (BB) Spencer County.
- (CC) Sullivan County.
- (DD) Switzerland County.
- (EE) Vanderburgh County.
- (FF) Vermillion County.
- (GG) Vigo County.
- (HH) Warrick County.
- (II) Washington County.

(b) (d) For sources subject to this rule, the department will provide emission statement reporting forms, and any available guidance will be provided by the department for applicable sources. documents.

(e) Sources subject to this rule may submit their emission statement electronically. Sources that submit their emission statement electronically, must submit to the department a certification in writing that complies with subdivision (4)(c)(1) of this rule by the submission deadline. (*Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734*)

SECTION 4. 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 13-15; IC 13-17

Sec. 4. (a) A source subject to this rule shall report emissions of the following pollutants emitted by that source in the emission statement:

- (1) Carbon monoxide (CO).
- (2) Volatile organic compounds (VOC).
- (3) Oxides of nitrogen (NO<sub>x</sub>).
- (4) Particulate matter less than ten (10) microns (PM<sub>10</sub>).
- (5) Sulfur dioxide (SO<sub>2</sub>).
- (6) Acetaldehyde (CAS Number 00075070).
- (7) Acrolein (CAS Number 00107028).
- (8) Acrylonitrile (CAS Number 00107131).
- (9) Arsenic compounds (inorganic including arsine) (TRI category code N020)\*.
- (10) Benzene (including from gasoline) (CAS Number 00071432).
- (11) Beryllium compounds (TRI category code N050)\*.
- (12) 1,3-Butadiene (CAS Number 00106990).
- (13) Cadmium compounds (TRI category code N078)\*.
- (14) Carbon tetrachloride (CAS Number 00056235).
- (15) Carbonyl sulfide (CAS Number 00463581).
- (16) Chlorine (CAS Number 07782505).
- (17) Chloroform (CAS Number 00067663).
- (18) Chromium compounds (TRI category code N090)\*.
- (19) Cobalt compounds (TRI category code N096)\*.
- (20) Coke oven emissions.
- (21) 1,3-Dichloropropene (CAS Number 00542756).
- (22) Diethanolamine (CAS Number 00111422).
- (23) Ethylene dibromide (1,2-Dibromoethane) (CAS Number 00106934).
- (24) Ethylene dichloride (1,2-Dichloroethane) (CAS Number 00107062).
- (25) Ethylene oxide (CAS Number 00075218).
- (26) Formaldehyde (CAS Number 00050000).
- (27) Glycol ethers (includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where: n = 1, 2, or 3; R = alkyl or aryl groups; and R' = R, H, or groups which, when removed, yield glycol ethers with the structure R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.) (TRI category code N030).
- (28) Hexachlorobenzene (CAS Number 118-74-1).
- (29) Hexane (CAS Number 110-54-3).

- (30) Hydrazine (CAS Number 00302012).
- (31) Hydrochloric acid (CAS Number 07647010).
- (32) Hydrogen fluoride (Hydrofluoric acid) (CAS Number 07664393).
- (33) Lead compounds (TRI category code 420)\*.
- (34) Manganese compounds (TRI category code 450)\*.
- (35) Mercury compounds (TRI category code N458)\*.
- (36) Methanol (CAS Number 00067561).
- (37) Methyl chloride (Chloromethane) (CAS Number 00074873).
- (38) Methyl chloroform (1,1,1-Trichloroethane) (CAS 71-55-6).
- (39) Methyl ethyl ketone (2-Butanone) (CAS Number 00078933).
- (40) Methylene chloride (Dichloromethane) (CAS Number 00075092).
- (41) 4-4' Methylenebisphenyl diisocyanate (MDI) (CAS Number 00101688).
- (42) Naphthalene (CAS Number 00091203).
- (43) Nickel compounds (TRI category code N495)\*.
- (44) Phenol (CAS Number 00108952).
- (45) Phosphine (CAS Number 07803512).
- (46) Polychlorinated biphenyls (Aroclors) (CAS Number 01336363).
- (47) Polycyclic organic matter (POMs) (limited to, or refers to, products from incomplete combustion of organic compounds (or material) and pyrolysis processes having more than one (1) benzene ring, and that have a boiling point greater than or equal to one hundred (100) degrees Celsius).
- (48) Propylene dichloride (1,2-Dichloropropane) (CAS Number 00078875).
- (49) Propylene oxide (CAS Number 00075569).
- (50) Quinoline (CAS Number 00091225).
- (51) Styrene (CAS Number 00100425).
- (52) 2,3,7,8-Tetrachlorodibenzo-p-dioxin (CAS Number 01746016).
- (53) 1,1,1,2-Tetrachloroethane (CAS Number 00079345).
- (54) Tetrachloroethylene (Perchloroethylene) (CAS Number 00127184).
- (55) Toluene (CAS Number 00108883).
- (56) 2,4-Toluene diisocyanate (CAS Number 00584849).
- (57) Trichloroethylene (CAS Number 00079016).
- (58) Triethylamine (CAS Number 00121448).
- (59) Vinyl chloride (CAS Number 00075014).
- (60) Vinylidene chloride (1,1-Dichloroethylene) (CAS Number 00075354).
- (61) Xylenes (isomers and mixtures) (CAS Number 01330207).
- (62) o-Xylene (CAS Number 00095476).
- (63) m-Xylene (CAS Number 00108383).
- (64) p-Xylene (CAS Number 00106423).

\*Listings that contain the word “compounds” and the glycol ethers, the following applies: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (for example, antimony or arsenic) as part of that chemical’s infrastructure.

- (b) 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: by an authorized individual that the information in the emission statement is, based on a reasonable inquiry into records and persons responsible for the operation of the source, true, accurate and complete. The certification shall include the full name, title, signature, date of signature, and telephone number of the person signing the certification. Failing to submit or submitting false information is a violation of this rule.
  - (2) Source identification information, to include the following:
    - (A) Full name, physical location, and mailing address of the facility: source.
    - (B) Source Universal Transverse Mercator (UTM) or latitude and longitude.
    - (C) SIC code or NAICS code.
  - (3) Operating data, to include for each emission unit the following:

(A) Percent annual throughput by quarter **for each emission unit. The quarters are as follows:**

(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) (i) January through March.

(BB) (ii) April through June.

(CC) (iii) July through September.

(DD) (iv) 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 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.

(C) **The maximum design capacity.**

(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:

(F) **Maximum nameplate capacity.**

(G) Annual fuel or process weight and units used **for each emission unit.**

(4) **Stack parameters associated with each process, including the following:**

(A) **Stack identification.**

(B) **Stack height and diameter, or plume height, (in feet).**

(C) **Universal Transverse Mercator (UTM) or latitude and longitude coordinates.**

(D) **Exit gas temperature.**

(E) **Exit gas flow rates in cubic feet per minute.**

(4) (5) **Emissions information, to include the following:**

(A) For sources falling within section 1(b) and 1(c) of this rule; The estimated actual volatile organic compounds; oxides of nitrogen; carbon monoxide; sulfur dioxide; lead; or particulate matter (PM<sub>10</sub>) emissions of all pollutants listed in subsection (a) at the segment process 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. **If control efficiencies are adjusted because of upsets, downtime, and malfunctions, information must be provided about how the control efficiencies are calculated.**

(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.

(B) **Emissions of VOC and PM<sub>10</sub> shall be reported as total VOC or PM<sub>10</sub> emissions.**

(D) (C) Calendar year for the emissions.

(D) (D) **Emission factor, which is the ratio relating emissions of a specific pollutant to an activity or material throughput level. If emissions were are calculated using an emission factor, the emission factor must shall include an emission factor approved for use by the department including, but not limited to, the following:**

(i) ~~be one~~ **Emission factors established in the AP-42, "Compilation of Air Pollutant Emission Factors", Volume 1, Fourth Fifth Edition, September 1985\*, or January 1995\*.**

(ii) **Emission factors established in the Factor Information Retrieval System, (FIRE) version 6.23, October, 2000\*.**

(ii) ~~in the alternative;~~ **the source may substitute (iii) 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.**

(iv) **Other documentable methodology approved by the department and U. S. EPA.**

(E) (E) Source classification code (SCC) number.

(5) (6) **Control equipment information, to include the following:**

(A) Current primary and secondary AIRS facility subsystem control equipment identification codes:

(A) **Capture efficiency.**

(B) Current control equipment efficiency percentage **unless a controlled emission factor is applied.** The actual efficiency should reflect the total control efficiency from all control equipment **for each process pollutant.** 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) (7) 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: for each process.~~

(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: Maximum design rate per hour.~~

**(8) Nothing in this rule requires stack testing.**

\*These documents are incorporated by reference and are available for review **and copying** at the Office of Air ~~Management,~~ **Quality**, 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 4. 326 IAC 2-6-5 IS ADDED TO READ AS FOLLOWS:

### **326 IAC 2-6-5 Violations**

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

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

**Sec. 5. Failure to comply with any provision of this rule, including failure to submit an emission statement by the applicable date, constitutes a violation of this rule.** (*Air Pollution Control Board; 326 IAC 2-6-5*)

#### ***Notice of First Meeting/Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 12, 2001 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 2-6.*

*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 to the emission reporting rule. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Jean Beauchamp, Rules Development Section, Office of Air Quality, (317) 232-8424 or (800) 451-6027, extension 2-8424 (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) 233-0544 (V) or (317) 232-6565 (TT). 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 East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*