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TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

#00-267(APCB)

AMENDMENTS RELATED TO AIR PERMIT PROGRAM APPROVAL

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 2 as required by P.L. 112-2000 (HEA 1343). IDEM has also made changes to 326 IAC 2 regarding amendments necessary to obtain U.S. EPA's approval of the prevention of deterioration (PSD) rules as part of the state implementation plan and federal approval of the Title V permit program. IDEM seeks comment on the draft rule language and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: December 1, 2000, Indiana Register (24 IR 765).

CITATIONS AFFECTED: 326 IAC 2.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; P.L.112-2000.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking concerns Indiana's rules that implement the Clean Air Act's Title V air operating permit program and the prevention of significant deterioration (PSD) program. It has two purposes. First, it will fulfill the requirements of Public Law 112-2000 (HEA 1343) concerning the construction or modification of processes that emit very small amounts of air pollution. Second, it will address issues identified by U.S. EPA that need revision for final federal approval of Indiana's Title V permit program and approval as part of the state implementation plan for PSD permit programs.

Public Law 112-2000 addresses the construction or modification of emission units, operations, or processes that are exempt from the requirement to obtain a registration, permit, modification approval, or permit revision. Prior to passage of P.L.112-2000, the permit rule restricted this exemption to those activities with the potential to emit regulated pollutants below thresholds established in 326 IAC 2. P.L.112-2000 states that as long as any activity is listed as exempt from permitting, that exemption cannot be determined based on the potential to emit. P.L.112-2000 relieves the permittee and the agency from demonstrating that potential to emit is in fact below the applicable exemption thresholds. However, the air pollution control board may include potential to emit as a factor to consider if the activity would result in construction or modification:

- (1) subject to federal prevention of significant deterioration (PSD) requirements as set out in 326 IAC 2-2 and 40 CFR 52.21;
- (2) subject to nonattainment new source review requirements as set out in 326 IAC 2-3;
- (3) located at a source that has an operating permit issued under 326 IAC 2-7, where the construction or modification would be considered a Title I modification under 40 CFR Part 70; or
- (4) that would result in the source needing to make a transition to an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

The statute directed IDEM to adopt rules to reflect this legislative change by January 1, 2002.

Title V of the federal Clean Air Act as amended in 1990 requires states to develop a federally approvable permit program applicable to major sources of air pollution. In response to the requirements of Title V, Indiana has developed the Title V permit program. Indiana's air pollution control board adopted rules and the rules were submitted to U.S. EPA in 1994 for review. In 1995, U.S. EPA published final interim approval for Indiana's Title V rules (60 FR 57188). However, U.S. EPA identified some deficiencies that need to be addressed to receive full approval. Discussions between IDEM and U.S. EPA have resolved some issues, however, deficiencies remain regarding: exemptions for insignificant and trivial activities; minor modification permit shield; permit modification exemptions; compliance certification for alternate limits; administrative amendments for monitoring changes; expiration of certain Title I conditions; emergency defense provisions; surrogate parameter exceedances; and startup, shutdown, and malfunction emission limits. IDEM notes that one of the issues U.S. EPA originally identified as a deficiency (the insignificant activities levels

for sulfur dioxide and hazardous air pollutants) is no longer problematic, so IDEM recommends no changes to that language in this rule.

Because of a pending legal challenge, U.S. EPA is on an expeditious schedule to finalize approval of states' Title V programs. States must address deficiencies promptly, therefore, or risk disapproval of their permit programs.

IDEM proposes language to revise 326 IAC 2 to reflect P.L.112-2000 to provide clear exemptions to the different types of permittees. The general provisions of 326 IAC 2-1.1 are amended by:

- (1) deleting the permitting thresholds based on potential to emit in section 326 IAC 2-1.1-3(b);
- (2) revising insignificant activities as necessary to ensure that potential to emit is below the applicable thresholds;
- (3) conditioning the exemptions to ensure that adding activities will not result in violations of federal requirements for major sources (major new source review in attainment and nonattainment areas and a federally enforceable state operating permit source becoming a Title V operating permit source) without review; and
- (4) specifying exemptions for Title V operating permit sources in 326 IAC 2-7 along with the special requirements of 40 CFR Part 70.

The language also addresses U.S. EPA, permittee, and IDEM concerns regarding the expiration of certain conditions in permits that need to remain in effect during the operating life of the facility.

The prevention of significant deterioration (PSD) program requires review of major new sources of air pollution emissions and major modifications of existing sources located in attainment areas where air quality meets health based standards. This review ensures that the construction and subsequent operation of the source will comply with best available control technology (BACT) and not adversely impact the national ambient air quality standards (NAAQS) or increase pollutant concentrations above established levels. IDEM is currently U.S. EPA's delegated authority for implementation of this permit program in Indiana.

IDEM intends to seek approval of its PSD program as part of its state implementation plan (SIP) from U.S. EPA. Having SIP approval would mean that Indiana's permit program is independently authorized, and all issues are resolved within Indiana's administrative legal system. U.S. EPA would still review and comment on proposed permits, and could seek to revoke approval if Indiana were failing to implement the program in accordance with federal guidance.

In order to seek SIP approval, Indiana's rules must be at least as stringent as the federal rules. The Air Pollution Control Board has already adopted rule amendments that address the majority of changes needed to make Indiana's PSD rule at least as stringent as the federal rule. Based on recent conversations with the U.S. EPA, however, IDEM has discovered a few additional differences that must be addressed or clarified for the state to obtain approval. These differences include typographical errors, clarifications, deletion of an old transitional provision, and inclusion of Class I area provisions. In addition, U.S. EPA has indicated that IDEM may remove the requirement that the potential to emit be "federally" enforceable for the purposes of determining applicability of the PSD program. Therefore, IDEM has removed the term "federally" from uses of the term "federally enforceable" in the definition of potential to emit and related definitions.

The purpose of this rulemaking is to amend Indiana's Title V and PSD rules at 326 IAC 2 to address any deficiencies that would prevent U.S. EPA approval of the state rules.

IDEM will continue to work closely with U.S. EPA to obtain final approval of the Title V permit program and approval of the PSD permit program as part of the SIP and will recommend that any newly identified issues be addressed in this rulemaking if deemed necessary.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from December 1, 2000, through January 3, 2001, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

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:

#00-267(APCB) Title V Program Approval
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) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by April 30, 2001.

Additional information regarding this action may be obtained from Chris Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for 3-6868 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 1-2-82.5 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-82.5 "Title I conditions" defined

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

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

Sec. 82.5. "Title I conditions" means one (1) or more of the following types of permit conditions based on requirements of Title I of the CAA:

(1) Any condition based on a requirement of a new source review program under Part C (Prevention of Significant Deterioration of Air Quality) or Part D (Plan Requirements for Nonattainment Areas) or a preconstruction review program under Section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the CAA and implementing state rules or federal regulations.

(2) Any condition based on a source-specific determination of ambient impacts imposed for the purpose of achieving or maintaining attainment with a national ambient air quality standard and that was:

(A) part of a state implementation plan approved by the U. S. EPA; or

(B) submitted to the U. S. EPA and is pending approval under Section 110 of the CAA.

(3) Any condition for which there is no corresponding underlying applicable requirement and that the stationary source assumed to avoid being subject to a new source review program under Part C (Prevention of Significant Deterioration of Air Quality) or Part D (Plan Requirements for Nonattainment Areas) or a preconstruction review program under Section 112(g)(2)(B) of the CAA and implementing state rules or federal regulations.

(4) Any condition that is:

(A) part of a plan approved by the U. S. EPA; or

(B) submitted to the U. S. EPA and is pending approval under Section 111(d) or the CAA.

(Air Pollution Control Board; 326 IAC 1-2-82.5)

SECTION 2. 326 IAC 2-1.1-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-1.1-3 Exemptions

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Operation of a source that consists solely of emission units, operations, or processes identified in this section is exempt from the registration and permitting requirements of this article unless the potential to emit any regulated pollutant from the entire source exceeds an emission threshold establishing the requirement to have a registration or permit under this article.

(b) (Voided by P.L.112-2000, SECTION 7, effective March 16, 2000.)

(c) Construction or modification of any emission unit, operation, or process identified in this section is exempt from the requirement to obtain a registration, permit, modification approval, or permit revision required under this article unless the construction or modification:

(1) is subject to federal prevention of significant deterioration (PSD) requirements as set out in 326 IAC 2-2 and 40 CFR 52.21*;

(2) is subject to nonattainment new source review requirements as set out in 326 IAC 2-3;

(3) is located at a source that has an operating permit issued under 326 IAC 2-7, where the construction or modification would be considered a Title I modification under 40 CFR Part 70*; or

(4) would result in the source needing to make a transition to an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

(c) (d) The new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits, including the requirement to submit an application, do not apply to new sources as follows:

(1) New sources that obtain and comply with one (1) of the following enforceable operating agreements under 326 IAC 2-9:

(A) 326 IAC 2-9-2.5 or 326 IAC 2-9-3 for surface coating operations.

(B) 326 IAC 2-9-4(b) through 326 IAC 2-9-4(d) and 326 IAC 2-9-4(f) for woodworking operations.

(C) 326 IAC 2-9-5 for abrasive cleaning operations.

(D) 326 IAC 2-9-7(b)(1) for sand and gravel operations.

(E) 326 IAC 2-9-8(b)(1) for crushed stone processing plants.

(F) 326 IAC 2-9-9 for concrete batch operations.

(G) 326 IAC 2-9-10 for coal mines and coal preparation plants that have provided public notice under 310 IAC 12-3-106 and included a reference of the application for an operating agreement in such notice.

(H) 326 IAC 2-9-11 for automobile refinishing operations.

(I) 326 IAC 2-9-12 for degreasing operations.

(2) New sources that comply with the limitations set forth in 326 IAC 2-11.

(3) New sources eligible for and obtaining a general permit that includes emissions limits that are less than the applicability thresholds in 326 IAC 2-5.1-2 and 326 IAC 2-5.1-3.

(4) New sources with the potential to emit less than ten (10) tons per year of a single hazardous air pollutant (HAP), as defined under Section 112(b) of the Clean Air Act, or twenty-five (25) tons per year of any combination of HAPs, and not otherwise required to apply for and obtain a registration or permit.

The exclusion from the new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits under subdivisions (1) through (3) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the state implementation plan (SIP).

(d) (e) Except for modifications subject to 326 IAC 2-3, the new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits, the modification approval requirements under 326 IAC 2-7-10.5, and the permit revision requirements under 326 IAC 2-6.1-6, ~~326 IAC 2-7-12~~, and 326 IAC 2-8-11.1, including the requirement to submit an application, do not apply to the following:

(1) New sources or modifications to existing sources that are proposed to be operated or constructed, that have the potential to emit less than the following amounts:

(A) Five (5) tons per year of either particulate matter (PM) or particulate matter with an aerodynamic diameter less than ten (10) micrometers (PM₁₀).

(B) Ten (10) tons per year of sulfur dioxide (SO₂).

(C) Ten (10) tons per year of nitrogen oxides (NO_x).

(D) Ten (10) tons per year of volatile organic compounds (VOC) for sources or modifications that are not described by clause (E).

(E) Five (5) tons per year of volatile organic compounds (VOC) for sources or modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(F) Twenty-five (25) tons per year of carbon monoxide (CO).

(G) Two-tenths (0.2) ton per year of lead (Pb).

(H) One (1) ton per year of a single hazardous air pollutant (HAP) or two and one-half (2.5) tons per year of any combination of HAPs listed pursuant to Section 112(b) of the CAA.

(I) Five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H₂S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Modifications of existing sources that consist of only an emissions unit or units or process or processes whose primary purpose is to conduct research and development into new processes and products, provided the modification:

(A) is operated under the close supervision of technically trained personnel;

(B) is conducted for the primary purpose of theoretical research or research and development into new or improved processes and products;

(C) does not manufacture more than de minimis amounts of commercial products;

(D) does not contribute to the manufacture of commercial products by collocated sources in more than a de minimis manner; and

(E) is not subject to 326 IAC 2-2 or 326 IAC 2-3.

(3) New sources or modifications of existing sources that consist of only a laboratory as defined in this subdivision. As used in this subdivision, "laboratory" means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this subdivision are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person. If a laboratory manufactures or produces products for profit in more than a de minimis manner, it shall not be considered to be a laboratory under this subdivision. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(4) New sources or modifications of existing sources that consist of only educational and teaching activities as defined in this subdivision. As used in this subdivision, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(5) New sources or modifications of existing sources that consist of only combustion related activities, including the following:

(A) Space heaters, process heaters, heat treat furnaces, or boilers described as follows:

(i) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.

(ii) Propane or liquified petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.

(iii) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.

(iv) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and not burning treated wood or chemically contaminated wood.

(B) Equipment powered by **diesel fuel-fired** internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour, except where total capacity of equipment operated by one (1) stationary source exceeds two million (2,000,000) British thermal units per hour.

(C) Combustion source flame safety purging on startup.

(D) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this clause, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.

(E) Combustion emissions from propulsion of mobile sources.

(F) Fuel use related to food preparation for on-site consumption.

(G) Tobacco smoking rooms and areas.

(H) Blacksmith forges.

(I) Indoor and outdoor kerosene heaters.

(6) New sources or modifications of existing sources that consist of only activities that dispense fuel, including the following:

(A) A gasoline dispensing operation having a storage tank capacity equal to or less than ten thousand five hundred (10,500) gallons and dispensing less than or equal to one thousand three hundred (1,300) gallons per day. Such storage tanks may be in a fixed location or on mobile equipment.

(B) A petroleum fuel other than a gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing three thousand five hundred (3,500) gallons per day or less.

(7) New sources or modifications of existing sources that consist of only the following VOC and HAP storage containers:

(A) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than twelve thousand (12,000) gallons.

(B) Vessels storing the following:

(i) Lubricating oils.

(ii) Hydraulic oils.

(iii) Machining oils.

- (iv) Machining fluids.
- (8) New sources or modifications of existing sources that consist of only refractory storage not requiring air pollution control equipment.
- (9) New sources or modifications of existing sources that consist of only equipment used exclusively for the following:
 - (A) Packaging of the following:
 - (i) Lubricants.
 - (ii) Greases.
 - (B) Filling drums, pails, or other packaging containers with the following:
 - (i) Lubricating oils.
 - (ii) Waxes.
 - (iii) Greases.
- (10) New sources or modifications of existing sources that consist of only the following:
 - (A) Application of:
 - (i) oils;
 - (ii) greases;
 - (iii) lubricants; and
 - (iv) nonvolatile material;as temporary protective coatings.
 - (B) Machining where an aqueous cutting coolant continuously floods the machining interface.
 - (C) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months except if subject to 326 IAC 20-6.
 - (D) Cleaners and solvents characterized as:
 - (i) having a vapor pressure equal to or less than two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or
 - (ii) having a vapor pressure equal to or less than seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit);the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.
 - (E) The following equipment related to manufacturing activities not resulting in the emission of HAPs as defined under Section 112(b) of the Clean Air Act:
 - (i) Brazing.
 - (ii) Cutting torches.
 - (iii) Soldering.
 - (iv) Welding.
 - (F) Closed loop heating and cooling systems.
 - (G) Infrared cure equipment.
 - (H) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
 - (I) Any of the following structural steel and bridge fabrication activities:
 - (i) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent.
 - (ii) Using eighty (80) tons or less of welding consumables.
- (11) New sources or modifications of existing sources that consist of only activities associated with the following recovery systems:
 - (A) Rolling oil recovery systems.
 - (B) Ground water oil recovery wells.
- (12) New sources or modifications of existing sources that consist of only solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
- (13) New sources or modifications of existing sources that consist of only the following water based activities:
 - (A) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
 - (B) Water run-off ponds for petroleum coke-cutting and coke storage piles.
 - (C) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, that is, an on-site sewage treatment facility.
 - (D) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs as defined under Section 112(b) of the Clean Air Act.
 - (E) Water-based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs as defined under

Section 112(b) of the Clean Air Act.

(F) Noncontact cooling tower systems with either of the following:

- (i) Natural draft cooling towers not regulated under a NESHAP.
- (ii) Forced and induced draft cooling tower systems not regulated under a NESHAP.

(G) Quenching operations used with heat treating processes.

Oil, grease, or VOC content shall be determined by a test method acceptable to the commissioner and the U.S. EPA.

(14) New sources or modifications of existing sources that consist of only trimmers that do not produce fugitive emissions and that are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.

(15) New sources or modifications of existing sources that consist of only stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.

(16) New sources or modifications of existing sources that consist of only paved and unpaved roads and parking lots with public access.

(17) New sources or modifications of existing sources that consist of only general construction activities not related to the construction of an emissions unit.

(18) New sources or modifications of existing sources that consist of only conveyors as follows:

(A) Covered conveyors for solid raw material, including:

- (i) coal or coke conveying less than or equal to three hundred sixty (360) tons per day; or
- (ii) limestone conveying less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.

(B) Uncovered coal or coke conveying less than or equal to one hundred twenty (120) tons per day.

(C) Underground conveyors.

(D) Enclosed systems for conveying plastic raw material and plastic finished goods.

(19) New sources or modifications of existing sources that consist of only coal bunker and coal scale exhausts and associated dust collector vents.

(20) New sources or modifications of existing sources that consist of only asbestos abatement projects regulated by 326 IAC 14-10.

(21) New sources or modifications of existing sources that consist of only routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, including the following:

(A) Purging of gas lines.

(B) Purging of vessels.

(22) New sources or modifications of existing sources that consist of only flue gas conditioning systems and associated chemicals, such as the following:

(A) Sodium sulfate.

(B) Ammonia.

(C) Sulfur trioxide.

(23) New sources or modifications of existing sources that consist of only equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, including the following:

(A) Catch tanks.

(B) Temporary liquid separators.

(C) Tanks.

(D) Fluid handling equipment.

(24) New sources or modifications of existing sources that consist of only furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.

(25) New sources or modifications of existing sources that consist of only activities associated with emergencies, including the following:

(A) On-site fire training approved by the commissioner.

(B) Emergency generators as follows:

(i) Gasoline generators not exceeding one hundred ten (110) horsepower.

(ii) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.

(iii) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.

(C) Stationary fire pump engines.

(26) New sources or modifications of existing sources that consist of only grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design grain loading of less than or equal to three-hundredths (0.03) grain per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, including the following:

- (A) Deburring.
 - (B) Buffing.
 - (C) Polishing.
 - (D) Abrasive blasting.
 - (E) Pneumatic conveying.
 - (F) Woodworking operations.
- (27) New sources or modifications of existing sources that consist of only purge double block and bleed valves.
- (28) New sources or modifications of existing sources that consist of only filter or coalescer media changeout.
- (29) New sources or modifications of existing sources that consist of only vents from ash transport systems not operated at positive pressure.
- (30) New sources or modifications of existing sources that consist of only mold release agents using low volatile products (vapor pressure less than or equal to two (2.0) kilo Pascals measured at thirty-eight (38) degrees Centigrade).
- (31) New sources or modifications of existing sources that consist of only farm operations.
- (32) New sources or modifications of existing sources that consist of only water-related activities, including the following:
- (A) Production of hot water for on-site personal use not related to any industrial or production process.
 - (B) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.
 - (C) Steam traps, vents, leaks, and safety relief valves.
 - (D) Cooling ponds.
 - (E) Laundry operations using only water solutions of bleach or detergents.
 - (F) Demineralized water tanks and demineralizer vents.
 - (G) Boiler water treatment operations, not including cooling towers.
 - (H) Oxygen scavenging (deaeration) of water.
 - (I) Steam cleaning operations and steam sterilizers.
 - (J) Pressure washing of equipment.
 - (K) Water jet cutting operations.
- (33) New sources or modifications of existing sources that consist of only ventilation, venting equipment, and refrigeration, including the following:
- (A) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.
 - (B) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.
 - (C) Vents from continuous emissions monitors and other analyzers.
 - (D) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
 - (E) Air vents from air compressors.
 - (F) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.
 - (G) Vents from equipment used to air blow water from cooled plastics strands or sheets.
- (34) New sources or modifications of existing sources that consist of only activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, including the following:
- (A) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.
 - (B) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
 - (C) Brazing, soldering, or welding operations and associated equipment.
 - (D) Portable blast-cleaning equipment with enclosures.
 - (E) Blast-cleaning equipment using water as the suspension agent and associated equipment.
 - (F) Batteries and battery charging stations, except at battery manufacturing plants.
 - (G) Lubrication, including:
 - (i) hand-held spray can lubrication;
 - (ii) dipping metal parts into lubricating oil; or
 - (iii) manual or automated addition of cutting oil in machining operations.
 - (H) Nonasbestos insulation installation or removal.
 - (I) Tarring, retarring, and repair of building roofs.
 - (J) Bead blasting of heater tubes.

- (K) Instrument air dryer and filter maintenance.
 - (L) Manual tank gauging.
 - (M) Open tumblers associated with deburring operations in maintenance shops.
- (35) New sources or modifications of existing sources that consist of only activities performed using hand-held equipment, including the following:
- (A) Application of hot melt adhesives with no VOC in the adhesive formulation.
 - (B) Buffing.
 - (C) Carving.
 - (D) Cutting, excluding cutting torches.
 - (E) Drilling.
 - (F) Grinding.
 - (G) Machining wood, metal, or plastic.
 - (H) Polishing.
 - (I) Routing.
 - (J) Sanding.
 - (K) Sawing.
 - (L) Surface grinding.
 - (M) Turning wood, metal, or plastic.
- (36) New sources or modifications of existing sources that consist of only housekeeping and janitorial activities and supplies, including the following:
- (A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
 - (B) Steam cleaning activities.
 - (C) Rest rooms and associated clean-up operations and supplies.
 - (D) Alkaline or phosphate cleaners and associated equipment.
 - (E) Mobile floor sweepers and floor scrubbers.
 - (F) Pest control fumigation.
- (37) New sources or modifications of existing sources that consist of only office-related activities, including the following:
- (A) Office supplies and equipment.
 - (B) Photocopying equipment and associated supplies.
 - (C) Paper shredding.
 - (D) Blueprint machines, photographic equipment, and associated supplies.
- (38) New sources or modifications of existing sources that consist of only lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (39) New sources or modifications of existing sources that consist of only storage equipment and activities, including the following:
- (A) Pressurized storage tanks and associated piping for the following:
 - (i) Acetylene.
 - (ii) Anhydrous ammonia.
 - (iii) Carbon monoxide.
 - (iv) Chlorine.
 - (v) Inorganic compounds.
 - (vi) Liquid petroleum gas (LPG).
 - (vii) Liquid natural gas (LNG) (propane).
 - (viii) Natural gas.
 - (ix) Nitrogen dioxide.
 - (x) Sulfur dioxide.
 - (B) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP as defined under Section 112(b) of the Clean Air Act.
 - (C) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
 - (D) Storage of drums containing maintenance raw materials.
 - (E) Storage of:
 - (i) castings;
 - (ii) lance rods; or
 - (iii) any non-HAP containing material in solid form stored in a sealed or covered container.

- (F) Portable containers used for the collection, storage, or disposal of materials provided the container capacity is equal to or less than forty-six hundredths (0.46) cubic meter and the container is closed, except when the material is added or removed.
- (40) New sources or modifications of existing sources that consist of only emergency and standby equipment, including the following:
- (A) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
 - (B) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
 - (C) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, including the following:
 - (i) Explosion relief vents, diaphragms, or panels.
 - (ii) Rupture discs.
 - (iii) Safety relief valves.
 - (D) Activities and equipment associated with on-site medical care not otherwise specifically regulated.
 - (E) Vacuum producing devices for the purpose of removing potential accidental releases.
- (41) New sources or modifications of existing sources that consist of only sampling and testing equipment and activities, including the following:
- (A) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (B) Hydraulic and hydrostatic testing equipment.
 - (C) Ground water monitoring wells and associated sample collection equipment.
 - (D) Environmental chambers not using HAP gases.
 - (E) Shock chambers.
 - (F) Humidity chambers.
 - (G) Solar simulators.
 - (H) Sampling activities, including:
 - (i) sampling of waste; or
 - (ii) glove box sampling, charging, and packaging.
 - (I) Instrument air dryers and distribution.
 - (J) VOC sampling activities associated with soil remediation projects.
- (42) New sources or modifications of existing sources that consist of only use of consumer products and equipment where the product or equipment is used at a source in the same manner as normal consumer use and is not associated with any production process.
- (43) New sources or modifications of existing sources that consist of only equipment and activities related to the handling, treating, and processing of animals, including the following:
- (A) Equipment used exclusively to slaughter animals, but not including the following:
 - (i) Rendering cookers.
 - (ii) Boilers.
 - (iii) Heating plants.
 - (iv) Incinerators.
 - (v) Electrical power generating equipment.
 - (B) Veterinary operating rooms and laboratories.
- (44) New sources or modifications of existing sources that consist of only activities generating limited amounts of fugitive dust, including the following:
- (A) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes as a major source under 326 IAC 2-7-1(22)(B), and any required fugitive dust control plan or its equivalent is submitted.
 - (B) Soil boring.
 - (C) Road salting and sanding.
- (45) New sources or modifications of existing sources that consist of only activities associated with production, including the following:
- (A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
 - (B) Electrical resistance welding.
 - (C) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit HAPs as defined under Section 112(b) of the Clean Air Act in the process.
 - (D) Laser trimmers that do not produce fugitive emissions and are equipped with a dust collection device such as a bag filter,

cyclone, or equivalent device.

(E) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.

(F) Drop hammers or hydraulic presses for forging or metalworking.

(G) Air compressors and pneumatically operated equipment, including hand tools.

(H) Compressor or pump lubrication and seal oil systems.

(I) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(J) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs as defined under Section 112(b) of the Clean Air Act are used in the process, and no gas, oil, or solid fuel is burned.

(K) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steel making furnaces and vessels.

(46) The following types of miscellaneous equipment and activities:

(A) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs as defined under Section 112(b) of the Clean Air Act.

(B) Condensate drains for natural gas and landfill gas.

(C) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.

(D) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.

(E) Ozone generators.

(F) Portable dust collectors.

(G) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.

(H) Soil borrow pits.

(I) Manual loading and unloading operations.

(J) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.

(K) Construction and demolition operations.

(L) Mechanical equipment gear boxes and vents that are isolated from process materials.

(M) Nonvolatile mold release waxes and agents.

This subdivision is not meant to describe emission units or activities associated with the miscellaneous equipment and activities that would otherwise require approval under this article.

~~(e)~~ **(f)** 326 IAC 2-7, 326 IAC 2-8, and 326 IAC 2-9 shall not apply to a source operating in compliance with the requirements of 326 IAC 2-10 or 326 IAC 2-11.

~~(f)~~ **(g)** 326 IAC 2-6.1 shall not apply to a source operating pursuant to one (1) of the following:

(1) A Part 70 permit under 326 IAC 2-7.

(2) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.

(3) An operating agreement under 326 IAC 2-9.

(4) A permit-by-rule under one (1) of the following rules:

(A) 326 IAC 2-10.

(B) 326 IAC 2-11.

~~(g)~~ **(h)** The requirements for an operating permit revision under 326 IAC 2-6.1-6 ~~326 IAC 2-7-12~~, or 326 IAC 2-8-11.1, modification approval under 326 IAC 2-7-10.5, or an administrative amendment under ~~326 IAC 2-7-11 or 326 IAC 2-8-10~~ shall not apply to the following modifications:

(1) A modification that has the potential to emit less than one (1) ton per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or two and five-tenths (2.5) tons per year of any combination of HAPs.

(2) A modification at an existing source that consists only of changes in a method of operation, a reconfiguration of existing equipment or other minor physical changes, or a combination thereof, and that does not result in an increase in the potential to emit that:

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

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

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

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

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

(F) is greater than or equal to one (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is:

(i) a primary lead smelter;

(ii) a secondary lead smelter;

(iii) a primary copper smelter;

(iv) a lead gasoline additive plant; or

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

(G) is greater than or equal to five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in clause (F);

(H) is greater than or equal to six-tenths (0.6) ton per year, for a source of lead emissions with a potential to emit greater than or equal to five (5) tons per year;

(I) is an emissions increase of VOC or NO_x subject to 326 IAC 2-3-2(b)(2) or 326 IAC 2-3-2(b)(3) at an existing source in Lake or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or NO_x;

(J) is greater than or equal to fifteen (15) tons per year particulate matter with an aerodynamic diameter less than or equal to ten

(10) micrometers (PM₁₀); or

(K) is subject to the provisions of 326 IAC 8-1-6 that has not previously been subject to review in accordance with 326 IAC 8-1-6.

(3) Temporary operations and experimental trials that involve construction, reconstruction, or modification and that meet the following criteria:

(A) The potential emissions from the construction or reconstruction of a facility or source or the potential emissions increase from the modification are less than twenty-five (25) tons for the duration of the operation.

(B) The construction, reconstruction, or modification is not a major source or modification as defined by 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-7.

(C) The purpose of the construction, reconstruction, or modification is to:

(i) collect data for experimental purposes, including, but not limited to, process improvements, new product development, and pollution prevention; or

(ii) temporarily conduct an operation not considered part of the normal operation or production of the facility or source.

(D) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time.

(E) If the construction, reconstruction, or modification is part of a soil or water remediation project, the duration of the project is less than twenty-four (24) hours or a greater period, not to exceed seventy-two (72) hours, as determined to be necessary by the department considering the nature of the project or the manner of testing, and the purpose of the project is to identify parameters necessary to design the remediation effort.

(F) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at least seven (7) days before beginning the construction, reconstruction, or modification. The notice shall contain the following information:

(i) A description of the purpose of the construction, reconstruction, or modification.

(ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source.

(iii) The dates the owner or operator anticipates the construction, reconstruction, or modification to begin, operations to begin, and operations to cease.

(iv) An estimate of the potential emissions and actual emissions increase resulting from the construction or reconstruction.

(v) The equipment involved in the construction, reconstruction, or modification.

(G) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at most seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain the following information:

(i) The actual start date of the construction, reconstruction, or modification.

(ii) The duration of the temporary operation or experimental trial.

(iii) The actual emissions occurring during the temporary operation or experimental trial.

(H) The exemption provided by this subdivision shall not apply to facilities or sources whose operations are experimental in

nature, part of pilot plants, or characterized by frequent product changes.

***These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. (Air Pollution Control Board; 326 IAC 2-1.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 982; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)**

SECTION 3. 326 IAC 2-1.1-9.5 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-1.1-9.5 General provisions: term of permit

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

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

Sec. 9.5. (a) A permit to construct or operate, and a permit modification shall be effective for a term not to exceed five (5) years.

(b) A Title I condition in a permit to construct or operate, or a permit modification shall be restated in any reissued permit.

(c) The expiration of a permit terminates the right to operate a stationary source, except as provided in IC 13-15-3-6(a).
(Air Pollution Control Board; 326 IAC 2-1.1-9.5)

SECTION 4. 326 IAC 2-2-1, PROPOSED TO BE AMENDED AT 24 IR 94, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-1 Definitions

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

Affected: IC 13-15; IC 13-17

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

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

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

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

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

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

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

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

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

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

- (1) the applicable standards as set forth in 40 CFR 60 and 40 CFR 61*;
- (2) the state implementation plan emissions limitation, including those with a future compliance date; or
- (3) the emissions rate specified as a ~~federally~~ an enforceable permit condition, including those with a future compliance date.

(e) “Baseline area” means the following:

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

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

(A) establishes a minor source baseline date; or

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

(3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR 52.21(b)(14)(iv)*.

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

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

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

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

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

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

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

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

(i) “Building, structure, facility, or installation” means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “major group,” (i.e., which have the same first two (2) digit code) as described in the

Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office).

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

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

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

- (1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or
- (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

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

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

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

(p) “Emissions unit” means any part of a stationary source which emits or would have the potential to emit any pollutant regulated under the provisions of the ~~Clean Air Act~~. **CAA**.

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

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

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

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

(u) “Low terrain” means any area other than high terrain.

(v) “Major modification” means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant net emissions increase of any pollutant that is being regulated under the ~~Clean Air Act~~. **CAA**. The following shall apply:

- (1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.
- (2) A physical change or change in the method of operation shall not include the following:

- (A) Routine maintenance, repair, and replacement.
 - (B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.
 - (C) Use of an alternative fuel by reason of an order under Section 125 of the ~~Clean Air Act~~. **CAA.**
 - (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
 - (E) Use of an alternative fuel or raw material by a source which:
 - (i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any ~~federally~~ enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21* or under this rule or 326 IAC 2-3; or
 - (ii) the source is approved to use under any permit issued under 40 CFR 52.21* or under this rule.
 - (F) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any ~~federally~~ enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21* or under this rule or 326 IAC 2-3.
 - (G) Any change in ownership at a source.
 - (H) The addition, replacement, or use of a pollution control project as defined in subsection (bb) and 326 IAC 2-1.1-1(13) at an existing source unless the department determines that:
 - (i) such addition, replacement, or use is not environmentally beneficial; or
 - (ii) the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS) or PSD increment.
- A pollution control project that is exempt under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8).
- (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (i) the state implementation plan; and
 - (ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.
 - (J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.
 - (K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(w) "Major stationary source" means the following:

- (1) Any of the following stationary sources of air pollutants which are located or may be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and which emit or have the potential to emit one hundred (100) tons per year or more of any pollutant subject to regulation under the ~~Clean Air Act~~. **CAA:**
 - (A) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
 - (B) Coal cleaning plants (with thermal driers).
 - (C) Kraft pulp mills.
 - (D) Portland cement plants.
 - (E) Primary zinc smelters.
 - (F) Iron and steel mill plants.
 - (G) Primary aluminum ore reduction plants.
 - (H) Primary copper smelters.
 - (I) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day.
 - (J) Hydrofluoric, sulfuric, and nitric acid plants.
 - (K) Petroleum refineries.
 - (L) Lime plants.
 - (M) Phosphate rock processing plants.
 - (N) Coke oven batteries.
 - (O) Sulfur recovery plants.
 - (P) Carbon black plants (furnace process).
 - (Q) Primary lead smelters.
 - (R) Fuel conversion plants.
 - (S) Sintering plants.

- (T) Secondary metal production plants.
 - (U) Chemical process plants.
 - (V) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
 - (W) Taconite ore processing plants.
 - (X) Glass fiber processing plants.
 - (Y) Charcoal production plants.
 - (Z) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.
- (2) Any stationary source with the potential to emit two hundred fifty (250) tons per year or more of any air pollutant subject to regulation under the ~~Clean Air Act~~ **CAA**.
- (3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:
- (A) Primary lead smelters.
 - (B) Secondary lead smelters.
 - (C) Primary copper smelters.
 - (D) Lead gasoline additive plants.
 - (E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.
- (4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.
- (5) Any physical change occurring at a stationary source not qualifying under subdivisions (1) through (4) and this subdivision, if the change would by itself qualify as a major stationary source under subdivisions (1) through (4).
- (6) Notwithstanding subdivisions (1) through (5), the following sources shall not be considered a major stationary source:
- (A) A source or modification of a source where it would qualify under subdivisions (1) through (5) only if fugitive emissions, to the extent quantifiable, are considered in calculating potential to emit of the stationary source or modification and such source does not belong to any of the categories listed in subdivision (1) or any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the ~~Clean Air Act~~ **CAA** (42 U.S.C. 7411 or 42 U.S.C. 7412).
 - (B) A source or modification of a source which is a portable stationary source which has previously received a permit complying with 326 IAC 2-5.1-3 or 326 IAC 2-7 and ~~section 3 of 40 CFR 52.21*~~ **or** this rule if:
 - (i) the source proposes to relocate and emissions of the source at the new location would be temporary;
 - (ii) the emissions from the source would not exceed its allowable emissions;
 - (iii) emissions from the source would impact **no Class I area and** no area where an applicable increment is known to be violated; and
 - (iv) ten (10) days advance notice is given to the department prior to the relocation identifying the proposed new location and probable duration of the operation at the new location.
- (7) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- (x) "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.
- (y) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of this rule or to 40 CFR 52.21* submits a complete application under the relevant regulations, including the following:
- (1) The trigger date is the following:
 - (A) In the case of particulate matter and sulfur dioxide, August 7, 1977.
 - (B) In the case of nitrogen dioxide, February 8, 1988.
 - (2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:
 - (A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 326 IAC 1-4 for the pollutant on the date of its complete application under this rule; and
 - (B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.
 - (3) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM₁₀ increments, except that U.S. EPA will rescind a minor source baseline date where it can be shown, to the satisfaction of U.S. EPA, 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 PM₁₀ emissions.

(z) “Necessary preconstruction approvals or permits” means those permits or approvals required under those air quality control laws and regulations which are part of the state implementation plan.

(aa) “Net emissions increase”, with reference to a significant net emissions increase, means the tons per year amount by which the sum of the following exceeds zero (0):

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a source.

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable as follows:

(A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(i) the date five (5) years before construction on the particular change commences; and

(ii) the date that the increase from the particular change occurs.

(B) An increase or decrease in actual emissions is creditable only if the department has not relied on the increase or decrease in issuing a permit for the source under this rule, and the permit is in effect when the increase in actual emissions from the particular change occurs.

(C) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM₁₀ emissions shall be used to evaluate the net emissions increase for PM₁₀.

(D) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) it is ~~federally~~ enforceable at and after the time that actual construction on the particular change begins; and

(iii) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

(bb) “Pollution control project” means the following:

(1) For an electric utility steam generating unit, any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to the following:

(A) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators.

(B) An activity or project to accommodate switching to a fuel that is less polluting than the fuel in use prior to the activity or project, including, but not limited to:

(i) natural gas or coal reburning; or

(ii) the cofiring of natural gas and other fuels for the purpose of controlling emissions.

(C) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 42 U.S.C. 5903(d)*, or subsequent appropriations, up to a total amount of two billion five hundred million dollars (\$2,500,000,000), for commercial demonstration of clean coal technology, or similar projects funded through appropriations for U.S. EPA.

(D) A permanent clean coal technology demonstration project that constitutes a repowering project.

(2) For any unit other than an electric utility steam generating unit, pollution control project is defined at 326 IAC 2-1.1-1(13).

(cc) “Potential to emit” means the maximum capacity of a source or major modification to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is ~~federally~~ enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(dd) “Reactivation of a very clean coal-fired electric utility steam generating unit” means any physical change or change in the

method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

- (1) has not been in operation for the two (2) year period prior to the enactment of the ~~Clean Air Act~~ CAA Amendments of 1990, and the emissions from such unit continue to be carried in the department's emissions inventory at the time of enactment;
- (2) was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent (85%) and a removal efficiency for particulates of no less than ninety-eight percent (98%);
- (3) is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and
- (4) is otherwise in compliance with the requirements of the CAA.

(ee) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

- (1) Atmospheric or pressurized fluidized bed combustion.
- (2) Integrated gasification combined cycle.
- (3) Magnetohydrodynamics.
- (4) Direct and indirect coal-fired turbines.
- (5) Integrated gasification fuel cells.
- (6) As determined by U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

Repowering shall also include any oil or gas-fired **unit**, or both, **unit** that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. U.S. EPA shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the ~~Clean Air Act~~ CAA.

(ff) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two (2) year period after a physical change or change in the method of operation of a unit, (or a different consecutive two (2) year period within ten (10) years after that change, where the department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions, the department shall do the following:

- (1) Consider all relevant information, including, but not limited to, the following:
 - (A) Historical operational data.
 - (B) The company's own representations.
 - (C) Filings with Indiana or federal regulatory authorities.
 - (D) Compliance plans under Title IV of the CAA.
- (2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

(gg) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. The term includes emissions from any off-site support facility that would not be constructed or increase its emissions, except as a result of the construction or operation of the major stationary source or major modification. For the purpose of this rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from:

- (1) the tailpipe of a motor vehicle;
- (2) a train; or
- (3) a vessel.

(hh) "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:

- (1) (A) Carbon monoxide: one hundred (100) tons per year.
- (2) (B) Nitrogen oxides: forty (40) tons per year.

- (3) (C) Sulfur dioxide: forty (40) tons per year.
- (4) (D) Particulate matter: twenty-five (25) tons per year.
- (5) (E) PM₁₀: fifteen (15) tons per year.
- (6) (F) Ozone: forty (40) tons per year of volatile organic compounds.
- (7) (G) Lead: six-tenths (0.6) ton per year.
- (8) (H) Asbestos: seven one-thousandths (0.007) ton per year.
- (9) (I) Beryllium: four ten-thousandths (0.0004) ton per year.
- (10) (J) Mercury: one-tenth (0.1) ton per year.
- (11) (K) Vinyl chloride: one (1) ton per year.
- (12) (L) Fluorides: three (3) tons per year.
- (13) (M) Sulfuric acid mist: seven (7) tons per year.
- (14) (N) Hydrogen sulfide (H₂S): ten (10) tons per year.
- (15) (O) Total reduced sulfur (including H₂S): ten (10) tons per year.
- (16) (P) Reduced sulfur compounds (including H₂S): ten (10) tons per year.
- (17) (Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035 or 3.5×10^{-6}) ton per year.
- (18) (R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.
- (19) (S) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.
- (20) (T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.
- (21) CFCs H₁, H₂, H₄, H₅:
- (U) Ozone depleting substances (ODS): one hundred (100) tons per year.
- (22) Halons 1211, 1301, 2402: one hundred (100) tons per year.
- (23) (V) Any pollutant subject to regulation under the CAA, other than the pollutants listed in this subsection or under Section 112(b) of the Clean Air Act*: CAA*: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that would construct within ten (10) kilometers of a Class I area and has an impact on such area equal to or greater than one (1) microgram per cubic meter (24-hour average).

(ii) “Stationary source” means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the CAA. A stationary source does not include emissions resulting from an internal combustion engine used for transportation purposes, or from a nonroad engine or nonroad vehicle.

- (jj) “Temporary clean coal technology demonstration project” means (1) a clean coal technology demonstration project that:
 - (1) is operated for a period of five (5) years or less; and ~~that~~
 - (2) complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

*Copies of the Code of Federal Regulations (CFR); the United States Code; and the Clean Air Act referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. (Air Pollution Control Board; 326 IAC 2-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2391; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3022; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2020; filed Nov 25, 1998, 12:13 p.m.: 22 IR 997; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 23, 2000, 9:47 a.m.: 24 IR 668)

SECTION 5. 326 IAC 2-2-2, PROPOSED TO BE AMENDED AT 24 IR 100, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-2 Applicability

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

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

Sec. 2. (a) The requirements of this rule shall apply to any major stationary source or major modification, as defined in section

1 of this rule, which is being constructed or will be constructed in ~~any attainment or unclassifiable~~ an area as designated, in 326 IAC ~~1-4~~, as of the submittal date of a complete application in accordance with 326 IAC 2-5.1, **as attainment or unclassifiable in 326 IAC 1-4.**

(b) The owner or operator of a major stationary source or major modification shall not begin actual construction unless ~~at a minimum~~, the requirements in sections 3 through 8, 10, and ~~5~~ **14 through 16** of this rule have been met and a permit has been issued **under this rule.**

(c) Sources that are located in or proposed to be located in an area designated as nonattainment pursuant to 326 IAC 1-4 for a pollutant shall be exempt from the requirements of this rule for that particular pollutant.

(d) A source or modification of a source that would be a nonprofit health or nonprofit educational institution shall be exempt from the requirements of sections 3, 4, and 7 of this rule. (*Air Pollution Control Board; 326 IAC 2-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1098; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

SECTION 6. 326 IAC 2-2-3, PROPOSED TO BE AMENDED AT 24 IR 101, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-3 Control technology review; requirements

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

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

Sec. 3. ~~(a)~~ Any owner or operator of a major stationary source or major modification shall comply with the following requirements:

(1) A major stationary source or major modification shall meet each applicable emissions limitation under the state implementation plan and each applicable emissions standard and standard of performance under 40 CFR 60* and 40 CFR 61*.

(2) A new, major stationary source shall apply best available control technology for each pollutant subject to regulation under the provisions of the ~~Clean Air Act CAA~~ for which ~~said~~ **the** source has the potential to emit in significant amounts as defined in section 1 of this rule.

(3) A major modification shall apply best available control technology for each pollutant subject to regulation under the provisions of the ~~Clean Air Act CAA~~ for which ~~said~~ **the** modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase of the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time, which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable source may be required to demonstrate the adequacy of any previous determination of best available control technology for that source.

~~(b) The requirements for best available control technology set forth in subsection (a) shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21* as in effect on June 19, 1978; if the owner or operator of the source or modification submitted an application for a permit under this article or pursuant to this rule before August 7, 1980; and the department subsequently determined that the application submitted before that date was complete. Instead, the requirements of 40 CFR 52.21(j)* and 40 CFR 52.21(n)* as in effect on June 19, 1978; apply to any such source or modification.~~

~~*Copies of the Code of Federal Regulations (CFR) referenced in this section *These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395*)~~

SECTION 7. 326 IAC 2-2-4, PROPOSED TO BE AMENDED AT 24 IR 101, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-4 Air quality analysis; requirements

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) Any application for a permit under the provisions of this rule shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

- (1) For a source, each pollutant regulated under the provisions of the ~~Clean Air Act~~ CAA that the source would have the potential to emit in a significant amount.
- (2) For a modification, each pollutant regulated under the provision of the ~~Clean Air Act~~ CAA for which the modification would result in a significant net emissions increase.

(b) Exemptions are as follows:

(1) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification would:

- (A) impact **no Class I area and** no area where an applicable increment is known to be violated; and
- (B) be temporary.

~~(2) The requirements of this section as they relate to any maximum allowable increase for a Class H area shall not apply to a major modification at a source that was in existence on March 1, 1978, if the net increase in allowable emissions of each pollutant subject to regulation under the provisions of the Clean Air Act, from the modification, after the application of best available control technology, would be less than fifty (50) tons per year.~~

~~(3)~~ (2) A source or modification shall be exempt from the requirements of this section with respect to monitoring for a particular pollutant if:

- (A) the emissions increase of the pollutant from a new source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than:

Carbon Monoxide	575 $\mu\text{g}/\text{m}^3$, 8-hour average;
Nitrogen Dioxide	14 $\mu\text{g}/\text{m}^3$, annual average;
Total Suspended Particulate	10 $\mu\text{g}/\text{m}^3$, 24-hour average;
PM ₁₀	10 $\mu\text{g}/\text{m}^3$, 24-hour average;
Sulfur Dioxide	13 $\mu\text{g}/\text{m}^3$, 24-hour average;
Ozone	No de minimis air quality level is provided for ozone; however, any net increase of one hundred (100) tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data;
Lead	0.1 $\mu\text{g}/\text{m}^3$, 3-month average;
Mercury	0.25 $\mu\text{g}/\text{m}^3$, 24-hour average;
Beryllium	0.001 $\mu\text{g}/\text{m}^3$, 24-hour average;
Fluorides	0.25 $\mu\text{g}/\text{m}^3$, 24-hour average;
Vinyl Chloride	15 $\mu\text{g}/\text{m}^3$, 24-hour average;
Total Reduced Sulfur	10 mg/m^3 , 1-hour average;
Hydrogen Sulfide	0.2 $\mu\text{g}/\text{m}^3$, 1-hour average;
Reduced Sulfur Compounds	10 $\mu\text{g}/\text{m}^3$, 1-hour average; or

- (B) the concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in clause (A), or the pollutant is not listed in clause (A).

(c) All monitoring required by this section shall be done in accordance with the following provisions:

- (1) With respect to any pollutant for which no ambient air quality standard designated in 326 IAC 1-3 exists, the analysis shall contain such air quality monitoring data as the commissioner determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.
- (2) With respect to any pollutant (other than nonmethane hydrocarbons) for which an ambient air quality standard as designated

in 326 IAC 1-3 does exist, the analysis shall contain continuous air quality monitoring data gathered for the purpose of determining whether emissions of that pollutant would cause or contribute to a violation of **the standard or** any maximum allowable increase.

(3) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one (1) year preceding receipt of the application, except that, if the commissioner determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

(4) The owner or operator of the proposed major stationary source or major modification of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV* may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under this subsection.

(5) The owner or operator of a major stationary source or major modification shall after construction of the source or modification, conduct such ambient monitoring as the commissioner determines is necessary to determine the effect of the emissions which ~~said~~ **the** source or modification may have, or are having, on air quality in any area.

(6) The owner or operator of a major stationary source or major modification shall comply with the requirements of 40 CFR 58, Appendix B* during operation of monitoring stations for purposes of complying with this section.

(7) All air quality monitoring shall be done in accordance with state and federal monitoring procedures as set forth in the following references: May 1987 U.S. EPA, "Ambient Air Monitoring Guidelines for Prevention of Significant Deterioration" (EPA 45014-87-007)* and the May 1999, "Indiana Department of Environmental Management, Office of Air Management Quality Assurance Manual**".

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

**These materials have been incorporated by reference and are available at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality~~, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2396; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3026; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1099*)

SECTION 8. 326 IAC 2-2-5, PROPOSED TO BE AMENDED AT 24 IR 103, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-5 Air quality impact; requirements

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emissions increases in conjunction with all other applicable emissions increases or reductions (including secondary emissions) will not cause or contribute to air pollution in violation of:

- (1) any ambient air quality standard as designated in 326 IAC 1-3, ~~and~~ **in** any air quality control region; or
- (2) any applicable maximum allowable increase over the baseline concentration in any area.

(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 new source, or the net emissions increase of that pollutant from the modification would:

~~(A)~~ **(1)** impact ~~no Class I area and~~ no area where an applicable increment is known to be violated; and

~~(B)~~ **(2)** be temporary.

~~(2) The requirements of this section, as they relate to any maximum allowable increase for a Class H area, shall not apply to a major PSD modification at a source that was in existence on March 1, 1978; if the net increase in allowable emissions of each pollutant subject to regulation under the provisions of the Clean Air Act from the modification after the application of best available control technology would be less than fifty (50) tons per year.~~

(c) Air quality impact analysis required by this section shall be conducted in accordance with the following provisions:

- (1) Any estimates of ambient air concentrations used in the demonstration processes required by this section, shall be based upon the applicable air quality models, data bases and other requirements specified in 40 CFR 51, Appendix W (Requirements for

Preparation, Adoption, and Submittal of Implementation Plans, Guideline on Air Quality Models)*.

(2) Where an air quality impact model specified in the guidelines cited in subdivision (1) is inappropriate, a model may be modified or another model substituted, provided that all applicable guidelines are satisfied.

(3) Modifications or substitution of any model may only be done in accordance with guideline documents and with written approval from U.S. EPA and shall be subject to public comment procedures set forth in 326 IAC 2-1.1-6.

*Copies of 40 CFR 51, Appendix W referenced in this section **are incorporated by reference and** may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2024; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

SECTION 9. 326 IAC 2-2-6, PROPOSED TO BE AMENDED AT 24 IR 104, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-6 Increment consumption; requirements

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

Affected: IC 13-12

Sec. 6. (a) Any demonstration pursuant to section 5 of this rule should demonstrate that increased emissions caused by the proposed major stationary source or major modification will not exceed eighty percent (80%) of the available maximum allowable increases (MAI) over the baseline concentrations for sulfur dioxide, particulate matter and nitrogen dioxide indicated in subsection ~~(c)(1)~~:

(b)(1). Available maximum allowable increases are determined by adjusting the MAI to include impacts from:

(1) actual emissions from any major stationary source or major modification on which construction commenced after the major source baseline date; and

(2) actual emissions increases and decreases at any source occurring after the minor source baseline date.

On a case-by-case basis, a source may petition the commissioner to use in excess of this eighty percent (80%). The commissioner may authorize such use provided the source adequately demonstrates the need for the same.

~~(b) Exemptions 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 area where an applicable increment is known to be violated; and~~

~~(B) be temporary.~~

~~(2) The requirements of this section, as they relate to any maximum allowable increase for a Class II area, shall not apply to a major PSD modification at a source that was in existence on March 1, 1978, if the net increase in allowable emissions of each pollutant subject to regulation under the provisions of the Clean Air Act from the modification, after the application of best available control technology, would be less than fifty (50) tons per year.~~

~~(3) The requirements of this section, as they relate to the maximum allowable increase over the baseline nitrogen dioxide concentration, shall not apply to a major stationary source or major modification for which a complete application was submitted on or before October 16, 1989.~~

~~(c) (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 Clean Air Act): 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 52.21* must be adhered to. New permits issued after January 1, 1995, shall use PM₁₀ as the indicator for particulate matter. The allowable increments are as follows:~~

	Maximum Allowable Increments	Allowable Increments (Micrograms per Cubic Meter, µg/m ³ Limits)
Pollutants		
(A) Particulate Matter		
(i) TSP:		
Annual geometric mean		19

24-hour maximum	37
(ii) (PM ₁₀):	
Annual arithmetic mean	17
24-hour maximum	30
(B) Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
(C) Nitrogen Dioxide:	
Annual arithmetic mean	25

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

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

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

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

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

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

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from sources are excluded provided, however, that as follows:

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

(ii) Such exclusion is not renewable.

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

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) which will ensure that the emissions levels will not exceed those levels occurring from such source before September 23, 1981.

(5) No exclusion of such a concentration pursuant to subdivision (4)(A) through (4)(B) shall apply more than five (5) years after either September 23, 1981, or the date ~~said~~ the exclusion is granted pursuant to this rule, whichever is later. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the latter of such effective dates.

***Copies of the Code of Federal Regulations (CFR) referenced in this section *These documents are incorporated by reference and** may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2025; filed Oct 3, 1995, 3:00 p.m.: 19 IR 185*)

SECTION 10. 326 IAC 2-2-7, PROPOSED TO BE AMENDED AT 24 IR 105, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-7 Additional analysis; requirements

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) The owner or operator shall provide an analysis of the **following:**

(1) Impairment to visibility, soils, and vegetation that would occur as a result of the major stationary source or major modification and general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator

need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(+) (2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification.

(2) (b) The requirements of this section shall not apply to a major stationary source or major modification as defined in section 1 of this rule, with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of the pollutant from the modification would:

(A) impact **no Class I area and** no area where an applicable increment is known to be violated; and

(B) be temporary.

(3) The requirements of this section as they relate to any maximum allowable increase for a Class H area shall not apply to a major PSD modification at a major stationary PSD source that was in existence on March 1, 1978; if the net increase in allowable emissions of each pollutant subject to regulation under the Clean Air Act from said modification after the application of best available control technology would be less than fifty (50) tons per year.

(Air Pollution Control Board; 326 IAC 2-2-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2399)

SECTION 11. 326 IAC 2-2-9, PROPOSED TO BE AMENDED AT 24 IR 106, SECTION 9, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-9 Innovative control technology

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

Affected: IC 13-15; IC 13-17

Sec. 9. Any owner or operator of a proposed major stationary source or major modification may request the commissioner in writing to approve a system of innovative control technology **as follows:**

(1) The commissioner shall, with the consent of the ~~governor and the~~ governors of other affected states, allow the source or modification to employ a system of innovative control technology **if the following occur:**

(A) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(B) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under section 3 of this rule by a date specified by the commissioner. Such date shall not be later than four (4) years from the time of startup or seven (7) years from the date of permit issuance.

(C) The source or modification will meet the requirements of sections 3 and ~~4~~ 5 of this rule, based on the emissions rate that the source employing the system of innovative control technology would be required to meet on the date specified by the commissioner.

(D) The source or modification will not, before the date specified by the commissioner:

(i) cause or contribute to a violation of an applicable ambient air quality standard as designated in 326 IAC 1-3; **or**

(ii) impact any area where an applicable increment is known to be violated.

(E) All other applicable requirements, including those for public participation, have been met.

(F) If applicable, the provisions of section 14 of this rule, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification.

(2) The commissioner shall withdraw any approval to employ a system of innovative control technology made under this section if:

(A) the proposed system fails by the specified date to achieve the required continuous emissions reductions rate;

(B) the proposed system fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(C) the commissioner decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(3) If a major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or the approval is withdrawn in accordance with ~~subsection (a)(2)~~, **subdivision (2)**, the commissioner may allow the major stationary source or major modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(Air Pollution Control Board; 326 IAC 2-2-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400)

SECTION 12. 326 IAC 2-2-12, PROPOSED TO BE AMENDED AT 24 IR 107, SECTION 12, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-12 Permit rescission

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

Affected: IC 13-15-6; IC 13-15-7; IC 13-17

Sec. 12. Any permit issued under this title shall remain in effect unless and until it is rescinded, modified, revoked, or expires pursuant to IC 13-15-6 and IC 13-15-7 **as follows:**

(1) Any owner or operator of a major stationary source or major modification who holds a permit for the source or modification which was issued under 40 CFR 52.21* **or this rule, prior to the effective date of this section**, may request the commissioner to rescind the permit or a particular portion of the permit.

(2) The commissioner shall grant an application for rescission if the application shows that this section would not apply to the major stationary source or major modification.

(3) If the commissioner rescinds a permit under this section the public shall be given adequate notice of the rescission. Publication of an announcement of the rescission in the affected region within sixty (60) days of the rescission shall be considered adequate notice.

~~*Copies of the Code of Federal Regulations (CFR) referenced in this section~~ ***These documents are incorporated by reference** and may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401*)

SECTION 13. 326 IAC 2-2-14, PROPOSED TO BE ADDED AT 24 IR 109, SECTION 14, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-14 Sources impacting federal Class I areas: additional requirements

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) The department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall be given within thirty (30) days of receipt of a permit application and at least sixty (60) days prior to any public hearing on the application for a permit to construct and shall include the following:

(1) A copy of all information relevant to the permit application.

(2) An analysis of the proposed source's anticipated impacts on visibility in the federal Class I area.

The department shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under this section, and shall make available to them any materials used in making that determination, promptly after the department makes the determination. The department shall also notify all affected federal land managers within thirty (30) days of receipt of any advance notification of any such permit application.

(b) The federal land manager and the federal official charged with direct responsibility for management of the Class I area have an affirmative responsibility to protect the air quality related values, including visibility, of the Class I area and to consider, in consultation with U.S. EPA, whether a proposed source or modification will have an adverse impact on such values.

(c) The department shall consider any analysis performed by the federal land manager, provided to the department within thirty (30) days of the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the department finds that the analysis does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the federal Class I area, the department must, in the notice of public hearing on the permit application, either explain the decision or give notice as to where the explanation may be obtained.

(d) The federal land manager of any Class I area may demonstrate to the department that the emissions from a proposed major stationary source or major modification would have an adverse impact on the air quality-related values, including visibility, of a Class I area, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the

department concurs with the demonstration, then the department shall not issue the permit.

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

Pollutant	Maximum Allowable Increase (Micrograms Per Cubic Meter)
Particulate matter:	
PM ₁₀ , annual arithmetic mean	17
PM ₁₀ , 24-hr 24 hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr 24 hour maximum	91
3-hr 3 hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(f) The owner or operator of a proposed major stationary source or major modification that cannot be approved under subsection (e) may demonstrate to the department that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that an exemption under this subsection would not adversely affect the air quality related values of the area, including visibility. The department, after consideration of the federal land manager's recommendation, if any, and subject to the federal land manager's concurrence, may, after notice and public hearing, grant an exemption from such maximum allowable increase. If such exemption is granted, the department shall issue a permit to such major stationary source or major modification pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(g) In any case where the department recommends an exemption in which the federal land manager does not concur, the recommendations of the department and the federal land manager shall be transmitted to the president. The president may approve the department's recommendation if the president finds that the exemption is in the national interest. If the exemption is approved, the department shall issue a permit pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(h) In the case of a permit issued pursuant to subsection (f) or (g), the major stationary source or major modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the major stationary source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase
(Micrograms Per Cubic Meter) of Sulfur
Dioxide

Terrain Areas

Period of Exposure	Low	High
24 hour maximum	36	62
3 hour maximum	130	221

(i) The department shall transmit to the U.S. EPA a copy of each permit application relating to a major stationary source or major modification and provide notice to the U.S. EPA of the following actions related to consideration of such permit under this section:

- (1) Receipt of an advanced notification of a permit application affected by this section.
- (2) Any written notice provided to the federal land manager under this section.
- (3) Public notice of a preliminary determination.
- (4) Notices of public hearings.
- (5) Decisions to grant or deny exemptions in accordance with this section.
- (6) Any decision in accordance with subsection (c) that an analysis submitted by the federal land manager does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the Class I area.
- (7) Denial of a permit.
- (8) Issuance of a permit.

(Air Pollution Control Board; 326 IAC 2-2-14)

SECTION 14. 326 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-1 Definitions

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

Affected: IC 13-11-2

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

- (1) "Acid rain program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the CAA, 40 CFR 72, and 40 CFR 75 through 40 CFR 78*, 58 FR 3590*, and regulations implementing Sections 407 and 410 of the CAA.
- (2) "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant emitted from a Part 70 source over the preceding calendar year or any other period determined by the commissioner to be representative of normal source operation.
- (3) "Affected source" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- (4) "Affected states" means all states:
 - (A) whose air quality may be affected and are contiguous to the state of Indiana; or
 - (B) that are within fifty (50) miles of the permitted source.
- (5) "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- (6) "Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source (including requirements that have been promulgated or approved by the U.S. EPA through rulemaking at the time of permit issuance but have future effective compliance dates):
 - (A) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the U.S. EPA through rulemaking under Title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in 40 CFR 52*.
 - (B) Any term or condition of any preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I, including Part C or D of the CAA.
 - (C) Any standard or other requirement under Section 111 of the CAA, including Section 111(d) of the CAA.
 - (D) Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112(r)(7) of the CAA.
 - (E) Any standard or other requirement of the acid rain program under Title IV of the CAA or the regulations promulgated thereunder.
 - (F) Any requirements established under Section 504(b) or 114(a)(3) of the CAA.
 - (G) Any standard or other requirement governing solid waste incineration under Section 129 of the CAA.
 - (H) Any standard or other requirement for consumer and commercial products under Section 183(e) of the CAA.

- (I) Any standard or other requirement for tank vessels under Section 183(f) of the CAA.
- (J) Any standard or other requirement of the Code of Federal Regulations promulgated to protect stratospheric ozone under Title VI of the CAA, unless the U.S. EPA has determined that such requirements need not be contained in a Part 70 permit.
- (K) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted under Section 504(e) of the CAA.
- (7) "Area source" means any stationary source of hazardous air pollutants that is not a major source. This term does not include motor vehicles or nonroad vehicles subject to regulation under Title II of the CAA.
- (8) "Clean Air Act" or "CAA" means the Clean Air Act, as amended (including the Clean Air Act Amendments of 1990 (P.L.101-549)), 42 U.S.C. 7401, et seq.
- (9) "Code of Federal Regulations" or "CFR", unless otherwise provided, means:
- (A) with respect to 40 CFR*, generally, the July 1, ~~1994~~**1998**, edition of the Code of Federal Regulations; and
 - (B) with respect to 40 CFR 70*, the codified regulation published in the Federal Register, Volume 57, Number 140, Tuesday, July 21, 1992.
- (10) "Designated representative" shall have the meaning given to it in Section 402(26) of the CAA and the regulations promulgated thereunder.
- (11) "Draft Part 70 permit" means the version of a Part 70 permit for which the commissioner offers public participation and notice to affected states under section 17 of this rule.
- (12) "Emergency" means any situation, including acts of God, arising from sudden and reasonably unforeseeable events beyond the reasonable control of the source, which:
- (A) requires immediate corrective action to restore normal operation; and
 - (B) causes the source to exceed an emission limit under a Part 70 permit due to unavoidable increases in emissions attributable to the emergency.
- An emergency shall not include noncompliance to the extent caused by improperly designed equipment, failure to implement an adequate preventive maintenance plan, careless or improper operation, or operator error.
- (13) "Emission limitation or standard" means any of the following as defined under the CAA:
- (A) A federally enforceable emission limitation or standard.
 - (B) A standard of performance.
 - (C) A means of emission limitation.
- An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate, or concentration of emissions (for example, pounds of sulfur dioxide (SO₂) per hour, pounds of sulfur dioxide (SO₂) per mmBtu, or kilograms of volatile organic compounds (VOC) per liter of applied coating solids) or as the relationship of uncontrolled to controlled emissions (for example, percent capture and destruction efficiency of VOC or percent reduction of SO₂). An emission limitation or standard may also be expressed either as a work practice process or other form of design, equipment operation, or operation and maintenance requirement.
- (14) "Emissions allowable under the Part 70 permit" means a federally enforceable Part 70 permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
- (15) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA. This term is not meant to alter or affect the definition of unit for purposes of Title IV of the CAA.
- (16) "Federally enforceable state operating permit" or "FESOP" means a permit issued under 326 IAC 2-8.
- (17) "Final Part 70 permit" means the version of a Part 70 permit issued by the commissioner that has completed all review procedures required by sections 17 and 18 of this rule.
- (18) "Fugitive emissions" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (19) "General Part 70 permit" means a Part 70 permit that is applicable to a class or category of sources or modifications thereto, whether or not under common ownership or control, that are subject to similar applicable requirements.
- (20) "Health-based emission limit" means any enforceable condition the sole purpose of which is to protect public health or welfare without regard to technical achievability, including, but not limited to, any requirement in a permit based on:
- (A) an emission standard for hazardous air pollutants promulgated under 40 CFR 61*, including 326 IAC 14;
 - (B) conditions to prevent significant deterioration of air quality established under 40 CFR 52.21*, including 326 IAC 2-2-5 and 326 IAC 2-2-6 but excluding conditions based on best available control technology (BACT);
 - (C) limits relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA, with the exception of limits based on reasonably available control technology (RACT)

for sources of volatile organic compounds (VOCs) in areas designated attainment for ozone in accordance with the CAA; or (D) conditions established as residual risk standards under 42 U.S.C. 7412(f).

(21) "Insignificant activity" has any of the meanings specified in clauses (A) through (G) as follows:

(A) An emission unit or activity whose potential uncontrolled emissions meet the exemption levels specified in 326 IAC 2-1.1-3(d)(1) or the exemption levels specified in the following, whichever is lower:

(i) For lead or lead compounds measured as elemental lead, the exemption level is six-tenths (0.6) ton per year or three and twenty-nine hundredths (3.29) pounds per day.

(ii) For carbon monoxide (CO), the exemption limit is twenty-five (25) pounds per day.

(iii) For sulfur dioxide, the exemption level is five (5) pounds per hour or twenty-five (25) pounds per day.

(iv) For volatile organic compounds (VOC), three (3) pounds per hour or fifteen (15) pounds per day.

(v) For nitrogen oxides (NO_x), five (5) pounds per hour or twenty-five (25) pounds per day.

(B) For an emission unit or activity with potential uncontrolled emissions of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀), the exemption level is either five (5) pounds per hour or twenty-five (25) pounds per day.

(C) For units with potential uncontrolled emissions of HAPs, that are not listed as insignificant in clauses (D) through (G) or defined as trivial in subdivision (40), an insignificant activity is any of the following:

(i) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP.

(ii) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than twelve and five-tenths (12.5) pounds per day or two and five-tenths (2.5) tons per year of any combination of HAPs.

The source shall provide a description of the insignificant activity, including identification of the HAPs emitted and any applicable requirements. A source may rely on MSDS sheets, product labels, other manufacturer's information, or other technical and scientific judgement for identification of HAPs. Insignificant activities that are part of a multistep process line shall be reported as such on the operating permit application, and the source shall include a description of the function and components of the process line on the operating permit application. Insignificant activities that perform equivalent functions shall be grouped, and the function and number of those units shall be included on the operating permit application.

(D) Emissions from a laboratory as defined in this clause. As used in this clause, "laboratory" means a place or activity devoted to experimental study or teaching, or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this clause are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person. If a facility manufactures or produces products for profit in any quantity, it shall not be considered to be a laboratory under this clause. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to an entire facility.

(E) Emissions from research and development activities as defined in this clause. As used in this clause, "research and development activities" means activities conducted under close supervision of technically trained personnel that are not engaged in the manufacture of products for sale, exchange for commercial profit, or distribution, except in a de minimis manner and the primary purpose of which is to:

(i) test more efficient production processes;

(ii) test methods for preventing or reducing adverse environmental impacts; or

(iii) conduct research and development into new processes and products.

Support activities necessary to the research and development activities are considered to be part of the research and development activities. Support activities do not include the provision of power to the research and development activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(F) Emissions from educational and teaching activities as defined in this clause. As used in this clause, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(G) Any of the following listed activities:

- (i) Combustion related activities, including the following:
 - (AA) Space heaters, process heaters, heat treat furnaces, or boilers using the following fuels:
 - (aa) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.
 - (bb) Propane or liquified petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.
 - (cc) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.
 - (dd) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and not burning treated wood or chemically contaminated wood.
 - (BB) Equipment powered by **diesel fuel-fired** internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour except where total capacity of equipment operated by one (1) stationary source as defined by subdivision (38) exceeds two million (2,000,000) British thermal units per hour.
 - (CC) Combustion source flame safety purging on startup.
- (ii) Fuel dispensing activities, including the following:
 - (AA) A gasoline fuel transfer dispensing operation handling less than or equal to one thousand three hundred (1,300) gallons per day and filling storage tanks having a capacity equal to or less than ten thousand five hundred (10,500) gallons. Such storage tanks may be in a fixed location or on mobile equipment.
 - (BB) A petroleum fuel other than gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing three thousand five hundred (3,500) gallons per day or less.
- (iii) The following VOC and HAP storage containers:
 - (AA) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than twelve thousand (12,000) gallons.
 - (BB) Vessels storing the following:
 - (aa) Lubricating oils.
 - (bb) Hydraulic oils.
 - (cc) Machining oils.
 - (dd) Machining fluids.
- (iv) Refractory storage not requiring air pollution control equipment.
- (v) Equipment used exclusively for the following:
 - (AA) Packaging the following:
 - (aa) Lubricants.
 - (bb) Greases.
 - (BB) Filling drums, pails, or other packaging containers with the following:
 - (aa) Lubricating oils.
 - (bb) Waxes.
 - (cc) Greases.
- (vi) Production related activities, including the following:
 - (AA) Application of:
 - (aa) oils;
 - (bb) greases;
 - (cc) lubricants; and
 - (dd) nonvolatile material;as temporary protective coatings.
 - (BB) Machining where an aqueous cutting coolant continuously floods the machining interface.
 - (CC) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months, except if subject to 326 IAC 20-6.
 - (DD) Cleaners and solvents characterized as:
 - (aa) having a vapor pressure equal to or less than two (2.0) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or
 - (bb) having a vapor pressure equal to or less than seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit);the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.

- (EE) The following equipment related to manufacturing activities not resulting in the emission of HAPs:
 - (aa) Brazing.
 - (bb) Cutting torches.
 - (cc) Soldering.
 - (dd) Welding.
 - (FF) Closed loop heating and cooling systems.
 - (GG) Infrared cure equipment.
 - (HH) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
 - (II) Any of the following structural steel and bridge fabrication activities:
 - (aa) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent.
 - (bb) Using eighty (80) tons or less of welding consumables.
 - (vii) Activities associated with the following recovery systems:
 - (AA) Rolling oil recovery systems.
 - (BB) Ground water oil recovery wells.
 - (viii) Solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
 - (ix) Water based activities, including the following:
 - (AA) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
 - (BB) Water run-off ponds for petroleum coke-cutting and coke storage piles.
 - (CC) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, that is, an on-site sewage treatment facility.
 - (DD) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs.
 - (EE) Water based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs.
 - (FF) Noncontact cooling tower systems with either of the following:
 - (aa) Natural draft cooling towers not regulated under a NESHAP.
 - (bb) Forced and induced draft cooling tower systems not regulated under a NESHAP.
 - (GG) Quenching operations used with heat treating processes.
- Oil, grease, or VOC content shall be determined by a test method acceptable to the department and the U.S. EPA.
- (x) Repair activities, including the following:
 - (AA) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment.
 - (BB) Heat exchanger cleaning and repair.
 - (CC) Process vessel degassing and cleaning to prepare for internal repairs.
 - (xi) Trimmers that do not produce fugitive emissions and that are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
 - (xii) Stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
 - (xiii) Paved and unpaved roads and parking lots with public access.
 - (xiv) Conveyors as follows:
 - (AA) Covered conveyors for solid raw material, including the following:
 - (aa) Coal or coke conveying of less than or equal to three hundred sixty (360) tons per day.
 - (bb) Limestone conveying of less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.
 - (BB) Uncovered coal or coke conveying of less than or equal to one hundred twenty (120) tons per day.
 - (CC) Underground conveyors.
 - (DD) Enclosed systems for conveying plastic raw material and plastic finished goods.
 - (xv) Coal bunker and coal scale exhausts and associated dust collector vents.
 - (xvi) Asbestos abatement projects regulated by 326 IAC 14-10.
 - (xvii) Routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, including the following:
 - (AA) Purging of gas lines.
 - (BB) Purging of vessels.
 - (xviii) Flue gas conditioning systems and associated chemicals, such as the following:
 - (AA) Sodium sulfate.
 - (BB) Ammonia.

- (CC) Sulfur trioxide.
- (xix) Equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, including the following:
 - (AA) Catch tanks.
 - (BB) Temporary liquid separators.
 - (CC) Tanks.
 - (DD) Fluid handling equipment.
- (xx) Blowdown for the following:
 - (AA) Sight glass.
 - (BB) Boiler.
 - (CC) Cooling tower.
 - (DD) Compressors.
 - (EE) Pumps.
- (xxi) Furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.
- (xxii) Activities associated with emergencies, including the following:
 - (AA) On-site fire training approved by the department.
 - (BB) Emergency generators as follows:
 - (aa) Gasoline generators not exceeding one hundred ten (110) horsepower.
 - (bb) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.
 - (cc) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.
 - (CC) Stationary fire pump engines.
- (xxiii) Grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design grain loading of less than or equal to three one-hundredths (0.03) grains per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, including the following:
 - (AA) Deburring.
 - (BB) Buffing.
 - (CC) Polishing.
 - (DD) Abrasive blasting.
 - (EE) Pneumatic conveying.
 - (FF) Woodworking operations.
- (xxiv) Purge double block and bleed valves.
- (xxv) Filter or coalescer media changeout.
- (xxvi) Vents from ash transport systems not operated at positive pressure.
- (xxvii) Mold release agents using low volatile products (vapor pressure less than or equal to two (2) kilo Pascals measured at thirty-eight (38) degrees Centigrade).
- (xxviii) Farm operations.
- (xxix) Woodworking equipment controlled by a baghouse provided that the following criteria are met:
 - (AA) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.
 - (BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.
 - (CC) Opacity from the baghouse does not exceed ten percent (10%).
 - (DD) The baghouse is in operation at all times that the woodworking equipment is in use.
 - (EE) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (aa) The baghouse shall be inspected.
 - (bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.
 - (FF) The baghouse is inspected quarterly when vented to the atmosphere.
 - (GG) The owner or operator keeps the following records:
 - (aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (bb) Quarterly inspection reports, when vented to the atmosphere.
 - (cc) Visible observation reports.
 - (dd) Records of corrective actions.

(xxx) Woodworking equipment controlled by a baghouse provided that the following criteria are met:

- (AA) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per minute.
- (BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
- (CC) Opacity from the baghouse does not exceed ten percent (10%).
- (DD) The baghouse is in operation at all times that the woodworking equipment is in use.
- (EE) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (aa) The baghouse shall be inspected.
 - (bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.
- (FF) The baghouse is inspected quarterly when vented to the atmosphere.
- (GG) The owner or operator keeps the following records:
 - (aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (bb) Quarterly inspection reports, when vented to the atmosphere.
 - (cc) Visible observation reports.
 - (dd) Records of corrective actions.

(H) Detailed information concerning emissions from activities or equipment listed in clauses (A) through (G) is not required in a permit application submitted under this rule or 326 IAC 2-8; however, additional emissions information must be provided upon request by the department.

(I) Notwithstanding any other requirements in this rule, the applicant shall include all emissions sources and quantify emissions if needed to determine major source status, to determine compliance with any applicable requirement or to determine the applicability of any applicable requirement. Identification of an activity or equipment as insignificant under this section does not preclude the inclusion of the activity or equipment in a compliance plan or protocol as appropriate.

(J) Notwithstanding any other provision of this rule or 326 IAC 2-6, emissions from activities defined as insignificant in this subdivision or trivial in subdivision (40) need not be included in a source's annual emission statement required by 326 IAC 2-6.

(K) A change in a source's insignificant or trivial activities or the addition of an insignificant activity or trivial activity shall not constitute a modification for purposes of section 12 of this rule, if the new activity or modified activity:

- (i) meets the definition of "insignificant activity" of this subdivision or "trivial activity" of subdivision (40);
- (ii) is currently covered by an applicable requirement in the permit; and**
- (iii) is not subject to Title I conditions.**

The department may request that the source update its list of insignificant activities as part of its annual compliance certification.

(22) "Major source" means any stationary source or any group of stationary sources as described in this subdivision. For purposes of clauses (B) and (C), the term shall include any group of stationary sources that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping. In addition, for the purposes of defining major source in clause (B) or (C), a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of stationary sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two (2) digit code) as described in the Standard Industrial Classification Manual, 1987. For purposes of clauses (B) and (C), any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source. This term includes the following:

(A) A major source under Section 112 of the CAA, which is defined as follows:

- (i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate:
 - (AA) ten (10) tons per year (tpy) or more of any hazardous air pollutant that has been listed in Section 112(b) of the CAA;
 - (BB) twenty-five (25) tpy or more of any combination of such hazardous air pollutants; or
 - (CC) such lesser quantity as the U.S. EPA may establish by rule.
- (ii) Notwithstanding item (i):
 - (AA) emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; and
 - (BB) research and development activities may be considered separately for purposes of determining whether a major source

is present, and need not be aggregated with collocated stationary sources unless the research and development activities contribute to the product produced or service rendered by the collocated sources in a more than de minimis manner.

(iii) For radionuclides, major source shall have the meaning specified by the U.S. EPA by rule.

(B) A major stationary source of air pollutants, as defined in Section 302 of the CAA, that directly emits or has the potential to emit, one hundred (100) tpy or more of any regulated air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by the U.S. EPA by rule). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA unless the source belongs to one (1) of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers).

(ii) Kraft pulp mills.

(iii) Portland cement plants.

(iv) Primary zinc smelters.

(v) Iron and steel mills.

(vi) Primary aluminum ore reduction plants.

(vii) Primary copper smelters.

(viii) Municipal incinerators, or combinations of municipal incinerators, capable of charging more than fifty (50) tons of refuse per day.

(ix) Hydrofluoric, sulfuric, or nitric acid plants.

(x) Petroleum refineries.

(xi) Lime plants.

(xii) Phosphate rock processing plants.

(xiii) Coke oven batteries.

(xiv) Sulfur recovery plants.

(xv) Carbon black plants (furnace process).

(xvi) Primary lead smelters.

(xvii) Fuel conversion plants.

(xviii) Sintering plants.

(xix) Secondary metal production plants.

(xx) Chemical process plants.

(xxi) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.

(xxiii) Taconite ore processing plants.

(xxiv) Glass fiber processing plants.

(xxv) Charcoal production plants.

(xxvi) Fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(xxvii) Any other stationary source category regulated under Section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination under Section 302(j) of the CAA.

(C) A major stationary source as defined in Part D of Title I of the CAA, including the following:

(i) For ozone nonattainment areas, sources with the potential to emit:

(AA) one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate;

(BB) fifty (50) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as serious;

(CC) twenty-five (25) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as severe; or

(DD) ten (10) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as extreme;

except that the references in this item to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the U.S. EPA has made a finding, under Section 182(f)(1) or 182(f)(2) of the CAA, that requirements under Section 182(f) of the CAA do not apply.

(ii) For ozone transport regions established under Section 184 of the CAA, sources with the potential to emit fifty (50) or more tpy of volatile organic compounds.

(iii) For carbon monoxide nonattainment areas:

(AA) that are classified as serious; and

(BB) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the U.S. EPA;

sources with the potential to emit fifty (50) tpy or more of carbon monoxide.

(iv) For particulate matter PM₁₀ nonattainment areas classified as serious, sources with the potential to emit seventy (70) tpy or more of PM₁₀.

(23) "Part 70 permit" or "permit", unless the context suggests otherwise, means any Part 70 permit or group of Part 70 permits authorizing the operation of a Part 70 source that is issued, renewed, amended, or revised under this rule.

(24) "Part 70 permit modification" means a revision to a Part 70 permit that meets the requirements of section 12 of this rule.

(25) "Part 70 permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a Part 70 permit program, as set forth in section 19 of this rule (whether such costs are incurred by the commissioner or other state or local agencies that do not issue Part 70 permits directly, but that support Part 70 permit issuance or administration).

(26) "Part 70 permit revision" means any Part 70 permit modification or administrative Part 70 permit amendment.

(27) "Part 70 program" means the operating permit program established by this rule and approved by the U.S. EPA under 40 CFR 70*.

(28) "Part 70 source" means any source subject to the permitting requirements as provided in section 2 of this rule.

(29) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA. This term does not alter or affect the use of this term for any other purpose under the CAA, (or the term "capacity factor" as used in Title IV of the CAA) (or the regulations promulgated thereunder).

(30) "Proposed Part 70 permit" means the version of a Part 70 permit that the commissioner proposes to issue and forwards to the U.S. EPA for review in compliance with section 18 of this rule.

(31) "Regulated air pollutant" means any of the following:

(A) Nitrogen oxides or any volatile organic compounds.

(B) Any pollutant for which a national ambient air quality standard has been promulgated.

(C) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.

(D) Any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.

(E) Any pollutant subject to a standard promulgated under Section 112 of the CAA or other requirements established under Section 112 of the CAA, including Section 112(g), 112(j), and 112(r) of the CAA, including the following:

(i) Any pollutant subject to requirements under Section 112(j) of the CAA. If the U.S. EPA fails to promulgate a standard by the date established under Section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established under Section 112(e) of the CAA.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to Section 112(g)(2) of the CAA.

(32) "Regulated pollutant which is used only for purposes of section 19 of this rule" means any regulated air pollutant, except the following:

(A) Carbon monoxide.

(B) Any pollutant that is a regulated air pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.

(C) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the CAA.

(D) Any pollutant emitted by an insignificant or trivial activity as defined in this rule.

(33) "Renewal" means the process by which a Part 70 permit is reissued at the end of its term.

(34) "Responsible official" means the following:

(A) For a corporation:

(i) a president;

(ii) a secretary;

(iii) a treasurer;

(iv) a vice president of the corporation in charge of a principal business function;

(v) any other person who performs similar policy or decision making functions for the corporation; or

(vi) a duly authorized representative of any person listed in this clause if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a Part 70 permit and either:

(AA) the facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or

(BB) the delegation of authority to such representative is approved in advance by the commissioner.

(B) For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

(C) For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official. As used in this clause, "principal executive officer of a federal agency" includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency, for example, a regional administrator of the U.S. EPA.

(D) For affected sources:

(i) the designated representative for actions, standards, requirements, or prohibitions under Title IV of the CAA or the regulations promulgated thereunder; and

(ii) the designated representative for any other purposes under a Part 70 permit.

(35) "Risk management plan" means a plan specified by Section 112(r) of the CAA.

(36) "Section 502(b)(10) changes" means changes that contravene an express Part 70 permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable Part 70 permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

(37) "State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program. The term shall have its conventional meaning where such meaning is clear from the context. For purposes of the acid rain program, the term shall be limited to authorities within the forty-eight (48) contiguous states and the District of Columbia as provided in Section 402(14) of the CAA.

(38) "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA.

(39) "Technology-based emission limit" means any enforceable condition that is derived solely or in part from the capabilities of manmade equipment or processes, including, but not limited to, any requirement in a permit based on reasonably available control technology (RACT), best available control technology (BACT), maximum achievable control technology (MACT), lowest achievable emissions reduction (LAER), generally available control technology (GACT), best available retrofit technology (BART), any manufacturers' specifications, or the sources' physical potential to emit unless the applicable requirement was relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA.

(40) "Trivial activity" has any of the following meanings:

(A) Any activity or emission unit, not regulated by a NESHAP, whose potential uncontrolled emissions are equal to or less than one (1) pound per day on an emission unit basis for any single HAP or combination of HAPs.

(B) Water related activities, including the following:

(i) Production of hot water for on-site personal use not related to any industrial or production process.

(ii) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.

(iii) Steam traps, vents, leaks, and safety relief valves.

(iv) Cooling ponds.

(v) Laundry operations using only water solutions of bleach or detergents.

(vi) Demineralized water tanks and demineralizer vents.

(vii) Boiler water treatment operations, not including cooling towers.

(viii) Oxygen scavenging (deaeration) of water.

(ix) Steam cleaning operations and steam sterilizers.

(x) Pressure washing of equipment.

(xi) Water jet cutting operations.

(C) Combustion activities, including the following:

(i) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this item, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.

(ii) Combustion emissions from propulsion of mobile sources.

(iii) Fuel use related to food preparation for on-site consumption.

(iv) Tobacco smoking rooms and areas.

(v) Blacksmith forges.

(vi) Indoor and outdoor kerosene heaters.

(D) Activities related to ventilation, venting equipment, and refrigeration, including the following:

(i) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment, not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.

(ii) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.

- (iii) Vents from continuous emissions monitors and other analyzers.
 - (iv) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
 - (v) Air vents from air compressors.
 - (vi) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.
 - (vii) Vents from equipment used to air blow water from cooled plastics strands or sheets.
- (E) Activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, including the following:
- (i) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.
 - (ii) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
 - (iii) Brazing, soldering, or welding operations and associated equipment.
 - (iv) Portable blast-cleaning equipment with enclosures.
 - (v) Blast-cleaning equipment using water as the suspension agent and associated equipment.
 - (vi) Batteries and battery charging stations except at battery manufacturing plants.
 - (vii) Lubrication, including the following:
 - (AA) Hand-held spray can lubrication.
 - (BB) Dipping metal parts into lubricating oil.
 - (CC) Manual or automated addition of cutting oil in machining operations.
 - (viii) Nonasbestos insulation installation or removal.
 - (ix) Tarring, retarring, and repair of building roofs.
 - (x) Bead blasting of heater tubes.
 - (xi) Instrument air dryer and filter maintenance.
 - (xii) Manual tank gauging.
 - (xiii) Open tumblers associated with deburring operations in maintenance shops.
- (F) Activities performed using hand-held equipment, including the following:
- (i) Application of hot melt adhesives with no VOC in the adhesive formulation.
 - (ii) Buffing.
 - (iii) Carving.
 - (iv) Cutting, excluding cutting torches.
 - (v) Drilling.
 - (vi) Grinding.
 - (vii) Machining wood, metal, or plastic.
 - (viii) Polishing.
 - (ix) Routing.
 - (x) Sanding.
 - (xi) Sawing.
 - (xii) Surface grinding.
 - (xiii) Turning wood, metal, or plastic.
- (G) Housekeeping and janitorial activities and supplies, including the following:
- (i) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
 - (ii) Steam cleaning activities.
 - (iii) Rest rooms and associated cleanup operations and supplies.
 - (iv) Alkaline or phosphate cleaners and associated equipment.
 - (v) Mobile floor sweepers and floor scrubbers.
 - (vi) Pest control fumigation.
- (H) Office related activities, including the following:
- (i) Office supplies and equipment.
 - (ii) Photocopying equipment and associated supplies.
 - (iii) Paper shredding.
 - (iv) Blueprint machines, photographic equipment, and associated supplies.
- (I) Lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (J) Storage equipment and activities, including the following:

- (i) Pressurized storage tanks and associated piping for the following:
 - (AA) Acetylene.
 - (BB) Anhydrous ammonia.
 - (CC) Carbon monoxide.
 - (DD) Chlorine.
 - (EE) Inorganic compounds.
 - (FF) Liquid petroleum gas (LPG).
 - (GG) Liquid natural gas (LNG) (propane).
 - (HH) Natural gas.
 - (II) Nitrogen dioxide.
 - (JJ) Sulfur dioxide.
- (ii) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP.
- (iii) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
- (iv) Storage of drums containing maintenance raw materials.
- (v) Storage of the following:
 - (AA) Castings.
 - (BB) Lance rods.
 - (CC) Any non-HAP containing material in solid form stored in a sealed or covered container.
- (vi) Portable containers used for the collection, storage, or disposal of materials provided the container capacity is equal to or less than forty-six hundredths (0.46) cubic meters and the container is closed, except when the material is added or removed.
- (K) Emergency and standby equipment, including the following:
 - (i) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
 - (ii) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
 - (iii) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, including the following:
 - (AA) Explosion relief vents, diaphragms, or panels.
 - (BB) Rupture discs.
 - (CC) Safety relief valves.
 - (iv) Activities and equipment associated with on-site medical care not otherwise specifically regulated.
 - (v) Vacuum-producing devices for the purpose of removing potential accidental releases.
- (L) Sampling and testing equipment and activities, including the following:
 - (i) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (ii) Hydraulic and hydrostatic testing equipment.
 - (iii) Ground water monitoring wells and associated sample collection equipment.
 - (iv) Environmental chambers not using HAP gases.
 - (v) Shock chambers.
 - (vi) Humidity chambers.
 - (vii) Solar simulators.
 - (viii) Sampling activities, including the following:
 - (AA) Sampling of waste.
 - (BB) Glove box sampling, charging, and packaging.
 - (ix) Instrument air dryers and distribution.
- (M) Use of consumer products and equipment where the product or equipment is used at a source in the same manner as normal consumer use and is not associated with any production process.
- (N) Equipment and activities related to the handling, treating, and processing of animals, including the following:
 - (i) Equipment used exclusively to slaughter animals, but not including the following:
 - (AA) Rendering cookers.
 - (BB) Boilers.
 - (CC) Heating plants.
 - (DD) Incinerators.
 - (EE) Electrical power generating equipment.
 - (ii) Veterinary operating rooms.

(O) Activities generating limited amounts of fugitive dust, including the following:

- (i) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes under subdivision (22)(B), and any required fugitive dust control plan or its equivalent is submitted.
- (ii) Soil boring.
- (iii) Road salting and sanding.

(P) Activities associated with production, including the following:

- (i) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
- (ii) Electrical resistance welding.
- (iii) CO₂ lasers, used only on metals and other materials that do not emit HAPs in the process.
- (iv) Laser trimmers that do not produce fugitive emissions and are equipped with a dust collection device such as a bag filter, cyclone, or equivalent device.
- (v) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.
- (vi) Drop hammers or hydraulic presses for forging or metalworking.
- (vii) Air compressors and pneumatically operated equipment, including hand tools.
- (viii) Compressor or pump lubrication and seal oil systems.
- (ix) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
- (x) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs are used in the process, and no gas, oil, or solid fuel is burned.
- (xi) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steelmaking furnaces and vessels.

(Q) Miscellaneous equipment, but not emissions associated with the process for which the equipment is used, and activities, including the following:

- (i) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs.
- (ii) Condensate drains for natural gas and landfill gas.
- (iii) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.
- (iv) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.
- (v) Ozone generators.
- (vi) Portable dust collectors.
- (vii) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.
- (viii) Soil borrow pits.
- (ix) Manual loading and unloading operations.
- (x) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.
- (xi) Construction and demolition operations.
- (xii) Mechanical equipment gear boxes and vents that are isolated from process materials.
- (xiii) Nonvolatile mold release waxes and agents.

Trivial activities do not need to be included in a permit application required under this rule or 326 IAC 2-8.

(41) "U.S. EPA" means the administrator of the United States Environmental Protection Agency or the administrator's designee.

***Copies of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced *These documents are incorporated by reference and** may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-7-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2249; filed Dec 19, 1995, 3:05 p.m.: 19 IR 1051; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; filed May 31, 1996, 4:00 p.m.: 19 IR 2856; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2326; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106*)

SECTION 15. 326 IAC 2-7-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-5 Permit content

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

Affected: IC 13-15; IC 13-16-2-1; IC 13-17

Sec. 5. The following shall be included in each Part 70 permit issued under this rule:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements and any additional requirement that is enforceable by the state at the time of a Part 70 permit issuance. The Part 70 permit shall include the following:

(A) The Part 70 permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(B) Copies of relevant portions of the Part 70 permit application may be incorporated as attachments or exhibits only when referenced by specific permit conditions.

(C) Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the Part 70 permit and shall be described in the permit as enforceable by the commissioner and the U.S. EPA.

(D) If an applicable implementation plan allows a determination of an alternative emission limit for a Part 70 source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the commissioner elects to use such process, any Part 70 permit containing an alternative emission limit based on such an equivalency determination shall contain provisions to ensure that the emission limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

~~(E) The permit shall provide that, in the event of any exceedance of a permit limitation or condition which occurs contemporaneously with an exceedance of an associated surrogate or operating parameter established to detect or assure compliance with that limit or condition; both arising out of the same act or occurrence; such multiple exceedances shall constitute a single potential violation of the permit.~~

~~(F) Emission limitations applicable to start-up, shutdown, and emergency bypasses shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed so as to minimize the frequency of such events and to minimize the excess emissions caused by these events, to the extent feasible, taking into consideration available technologies, safety, cost, and other relevant factors.~~

~~(G) (E) The Part 70 permit shall specify for each term or condition, including terms and conditions set forth in this title, contained therein whether the term or condition is federally enforceable or state enforceable.~~

~~(H) (F) The Part 70 permit shall specify the permit conditions for which the emergency provision of section 16 of this rule is available. The permit may specify emergency situations identified by the source in its application and response actions that, if taken by the source during the emergency, shall constitute reasonable steps to minimize emissions and correct the emergency.~~

(2) A fixed permit term of five (5) years in the case of affected sources, and a term not to exceed five (5) years in the case of all other sources.

(3) Monitoring and related record keeping and reporting requirements, which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements or alternative requirements established in accordance with section 24 or 25 of this rule. At a minimum, the following shall be contained in each Part 70 permit:

(A) With respect to monitoring, each Part 70 permit shall contain the following:

(i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements or alternative requirements established in accordance with section 24 or 25 of this rule, including any procedures and methods promulgated under Section 504(b) or 114(a)(3) of the CAA.

(ii) Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), such periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the Part 70 permit as reported under clause (C). Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this item.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(B) With respect to record keeping, the Part 70 permit shall incorporate all applicable record keeping requirements or alternative requirements established in accordance with section 24 or 25 of this rule, including, where applicable, the following:

(i) Records of required monitoring information that include the following:

(AA) The date, place, as defined in a Part 70 permit, and time of sampling or measurements.

(BB) The dates analyses were performed.

(CC) The company or entity that performed the analyses.

(DD) The analytical techniques or methods used.

(EE) The results of such analyses.

(FF) The operating conditions as existing at the time of sampling or measurement.

- (ii) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes the following:
 - (AA) All calibration and maintenance records.
 - (BB) All original strip chart recordings for continuous monitoring instrumentation.
 - (CC) Copies of all reports required by the Part 70 permit.
 - (DD) For the purposes of complying with this subdivision, the permittee shall retain the records on-site for three (3) years and shall make them available upon request for the two (2) years following.
- (C) With respect to reporting, a Part 70 permit shall incorporate all applicable reporting requirements or alternative requirements established in accordance with section 24 or 25 of this rule and require the following:
 - (i) Submittal of reports of any required monitoring at least every six (6) months. All instances of deviations from Part 70 permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with section 4(f) of this rule.
 - (ii) The reporting of deviations from Part 70 permit requirements, including those attributable to upset conditions as defined in a Part 70 permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Proper notice submittal under section 16 of this rule satisfies the reporting requirements of this item. Notwithstanding requirements in this section, the reporting of deviations required by an applicable requirement shall follow the schedule stated in the applicable requirement.
 - (iii) Submittal of an annual emission statement that meets the requirements of 326 IAC 2-6, or other equivalent information.
- (4) A Part 70 permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the CAA subject to the following limitations:
 - (A) No Part 70 permit revision shall be required for increases in emissions that are authorized by allowances acquired under the Title IV acid rain program, provided that such increases do not require a Part 70 permit revision under any other applicable requirement.
 - (B) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
 - (C) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.
- (5) A severability clause to ensure the continued validity of the various Part 70 permit requirements in the event that a portion of the Part 70 permit is determined to be invalid.
- (6) Provisions stating the following:
 - (A) The permittee must comply with all conditions of the Part 70 permit. Any Part 70 permit noncompliance constitutes a violation of the CAA and is grounds for:
 - (i) enforcement action;
 - (ii) Part 70 permit termination, revocation and reissuance, or modification; or
 - (iii) denial of a Part 70 permit renewal application.
 - (B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of a Part 70 permit.
 - (C) The Part 70 permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Part 70 permit condition.
 - (D) The Part 70 permit does not convey any property rights of any sort or any exclusive privilege.
 - (E) The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 permit or to determine compliance with the Part 70 permit. Upon request, the permittee shall also furnish to the commissioner copies of records required to be kept by a Part 70 permit or, for information claimed to be confidential, the permittee may furnish such records directly to the U.S. EPA along with a claim of confidentiality.
- (7) A provision to ensure that a Part 70 source pays fees to the commissioner consistent with the fee schedule approved under section 19 of this rule, or in accordance with a fee schedule established under IC 13-16-2-1. A fee schedule established under IC 13-16-2-1 shall include the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately.
- (8) A provision stating that no Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (9) Terms and conditions which allow for changes by the permitted source among reasonably anticipated operating scenarios that are identified by the source in its application as approved by the commissioner. Such terms and conditions shall:
 - (A) require the source, contemporaneously with making a change from one (1) operating scenario to another, to make a record

in a log at the permitted facility of the scenario under which it is operating;

(B) require the source to comply with all applicable requirements and the requirements of this rule for each such alternative operating scenario; and

(C) include a summary of the records required under clause (A) to be included in the annual compliance certification submitted under section 6(5) of this rule.

(10) Terms and conditions, if a Part 70 permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance; and

(B) require the permittee to meet all applicable requirements and requirements of this rule.

(11) Terms and conditions, if requested by the permit applicant, which allow for changes at the permitted source that comply with a federally enforceable emissions cap established in accordance with 326 IAC 2-1.1-12 and section 20(e) of this rule. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance with the emission cap limit, all associated applicable requirements, and all terms required under section 20(a) and 20(e) of this rule;

(B) include a federally enforceable emissions cap, which may be independent of otherwise applicable requirements, with which the source must comply;

(C) be consistent with any specific emissions limits or restrictions otherwise required in the permit by any applicable requirements and require the permittee to meet all applicable requirements and all requirements of this rule;

(D) allow construction of new emission units or reconstruction or modification to existing emission units or processes that would otherwise require an operating permit revision or an approval under section 10.5 of this rule, provided the actual emissions from the emission units or processes specified under an emissions cap or to be included under the emissions cap do not exceed the emissions limitation for the cap;

(E) allow for emissions trading solely for the purposes of complying with the emissions cap, provided the emissions cap request contains adequate terms and conditions, including all terms required under subdivision (3) and section 6 of this rule to determine compliance with the cap and with any emissions trading provisions;

(F) contain replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to the cap are quantifiable and enforceable;

(G) be established in accordance with the procedures pursuant to sections 8, 17, and 18 of this rule; and

(H) require the owner or operator to provide notice for those changes that would have otherwise required a minor or significant operating permit revision or an approval under section 10.5 of this rule in accordance with section 20(e) of this rule.

(12) Each Part 70 permit for a source at which a regulated substance is present in more than a threshold quantity and that is subject to 40 CFR 68* **shall:**

(A) ~~shall~~ identify 40 CFR 68* as an applicable requirement;

(B) ~~shall~~ include conditions that require the source owner or operator to submit:

(i) a compliance schedule for meeting the requirements of 40 CFR 68* by the date provided in 40 CFR 68.10(a)*; or

(ii) as a part of the compliance certification submitted under section 6(5) of this rule, a certification statement that the source is in compliance with all requirements of 40 CFR 68*, including the registration and submission of a risk management plan (RMP); and

(C) ~~shall~~ require the source to verify to the commissioner that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68*.

(13) A provision that requires the source to do all of the following:

(A) Maintain on-site the preventive maintenance plan required under section 4(c)(10) of this rule.

(B) Implement the preventive maintenance plan.

(C) Forward to the department upon request the preventive maintenance plan.

(14) Except as otherwise provided in section 15 or 20 of this rule, a provision providing the Part 70 permit shield described in section 15 of this rule.

(15) Descriptive information.

(16) Terms and conditions, if requested by the permit applicant, that, notwithstanding the modification approval requirements under section 10.5 of this rule or the permit modification or revision requirements under section 12 of this rule, allow the source to make specifically identified modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

(A) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(B) Monitoring, testing, reporting, and record keeping requirements that are necessary to assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

**Copies of the Code of Federal Regulations (CFR) referenced *These documents are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-7-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2257; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2341; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1035; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106)*

SECTION 16. 326 IAC 2-7-11 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-11 Administrative permit amendments

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

Affected: IC 13-15; IC 13-17

Sec. 11. (a) An administrative permit amendment is a Part 70 permit revision that does any of the following:

- (1) Corrects typographical errors.
- (2) Identifies a change in the name, address, or telephone number of any person identified in the Part 70 permit, or provides a similar minor administrative change at the source.
- (3) Requires more frequent monitoring or reporting by the permittee.
- (4) Allows for a change in ownership or operational control of a source where the commissioner determines that no other change in a Part 70 permit is necessary, provided that a written agreement containing a specific date for transfer of a Part 70 permit responsibility, coverage, and liability between the current and new permittee has been submitted to the commissioner.
- (5) Incorporates into a Part 70 permit the requirements from preconstruction permits issued under section 10.5 of this rule that have satisfied the requirements of sections 17 and 18 of this rule as appropriate.
- (6) Incorporates into a Part 70 permit a general permit issued under section 13 of this rule.
- ~~(7) Makes a change to a monitoring, maintenance, or record keeping requirement established by this article that is not environmentally significant. Such change shall not be an administrative amendment if the monitoring, maintenance, or record keeping is required by an applicable requirement.~~
- ~~(8) (7) Revises descriptive information where the revision will not trigger a new applicable requirement or violate a permit term.~~

(b) Administrative Part 70 permit amendments, for purposes of the acid rain portion of a Part 70 permit, shall be governed by regulations promulgated under Title IV of the CAA.

(c) An administrative Part 70 permit amendment may be made by the commissioner consistent with the following:

- (1) The commissioner shall take no more than sixty (60) days from receipt of a request for an administrative Part 70 permit amendment to take final action on such request and may incorporate such changes without providing prior notice to the public or affected states provided that it designates any such Part 70 permit revisions as having been made under this subsection.
- (2) The commissioner shall submit a copy of a revised Part 70 permit to the U.S. EPA.
- (3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(Air Pollution Control Board; 326 IAC 2-7-11; filed May 25, 1994, 11:00 a.m.: 17 IR 2262; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1043)

SECTION 17. 326 IAC 2-7-12 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-12 Permit modification

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

Affected: IC 13-15; IC 13-17

Sec. 12. (a) A Part 70 permit modification is any revision to a Part 70 permit that cannot be accomplished under the program's provisions for administrative permit amendments under section 11 of this rule. A permit modification, for purposes of the acid rain portion of the permit, shall be governed by regulations promulgated under Title IV of the CAA.

(b) Minor permit modification procedures shall be as follows:

(1) Minor permit modification procedures may be used only for those permit modifications that meet the following requirements:

(A) Do not violate any applicable requirement.

(B) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the Part 70 permit.

(C) Do not require or change a:

(i) case-by-case determination of an emission limit or other standard;

(ii) source specific determination for temporary sources of ambient impacts; or

(iii) visibility or increment analysis.

(D) Do not seek to establish or change a Part 70 permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include the following:

(i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the CAA.

(ii) An alternative emissions limit approved under regulations promulgated under Section 112(i)(5) of the CAA.

(E) Are not modifications under any provision of Title I of the CAA.

(F) Are not required by the Part 70 program to be processed as a significant modification.

(2) Notwithstanding subdivision (1) and subsection (c)(1), minor Part 70 permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable implementation plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

(3) An application requesting the use of minor Part 70 permit modification procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit reflecting the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of minor Part 70 permit modification procedures and a request that such procedures be used.

(D) Completed forms for the commissioner to use to notify the U.S. EPA and affected states.

(E) A copy of any previous approval issued by the commissioner under this article.

(4) The public notice provisions of section 17 of this rule shall apply to minor modifications.

~~(4)~~ **(5)** Within five (5) working days of receipt of a complete Part 70 permit modification application, the commissioner shall notify the U.S. EPA and affected states of the requested Part 70 permit modification. The commissioner promptly shall send any notice required to the U.S. EPA.

~~(5)~~ **(6)** The commissioner may not issue a final Part 70 permit modification until after the U.S. EPA's forty-five (45) day review period or until U.S. EPA has notified the commissioner that U.S. EPA will not object to issuance of the Part 70 permit modification, whichever is first, although the commissioner may approve the Part 70 permit modification prior to that time. Within ninety (90) days of the commissioner's receipt of an application under the minor Part 70 permit modification procedures or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later, the commissioner shall do any of the following:

(A) Issue the Part 70 permit modification as proposed.

(B) Deny the Part 70 permit modification application.

(C) Determine that the requested modification does not meet the minor Part 70 permit modification criteria and should be reviewed under the significant modification procedures.

(D) Revise the draft Part 70 permit modification and transmit to the U.S. EPA the new proposed Part 70 permit modification as required by section 18(b) of this rule.

~~(6)~~ **(7)** The source may make the change proposed in its minor Part 70 permit modification application immediately after it files such application. After the source makes the change allowed by this subdivision, and until the commissioner takes any of the actions specified in subdivision ~~(5)(A)~~ **(6)(A)** through ~~(5)(C)~~ **(6)(C)**, the source must comply with both the applicable requirements governing the change and the proposed Part 70 permit terms and conditions. During this time period, the source need not comply with the existing Part 70 permit terms and conditions it seeks to modify. If the source fails to comply with its proposed Part 70 permit terms and conditions during this time period, the existing Part 70 permit terms and conditions it seeks to modify may be enforced against it.

~~(7)~~ **(8)** The Part 70 permit shield under section 15 of this rule is not applicable to minor Part 70 permit modifications until after the commissioner has issued the modification.

(c) Consistent with the following, the commissioner may modify the procedure outlined in subsection (b) to process groups of a source's applications for modifications eligible for minor Part 70 permit modification processing:

(1) Group processing of modifications may be used only for those Part 70 permit modifications that meet the following requirements:

(A) The modifications meet the criteria for minor Part 70 permit modification procedures under subsection (b).

(B) The modifications are exempt from preconstruction or permit revision approval under 326 IAC 2-1.1-3.

(2) An application requesting the use of group processing procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit which reflects the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

(D) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subdivision (1)(B).

(E) Certification, consistent with section 4(f) of this rule, that the source has notified the U.S. EPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

(F) Completed forms for the commissioner to use to notify the U.S. EPA and affected states as required under section 18 of this rule.

(3) The notice provisions of section 17 of this rule shall apply to modifications eligible for group processing.

(4) On a quarterly basis or within five (5) business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under subdivision (1)(B), whichever is earlier, the commissioner promptly shall notify the U.S. EPA, under section 18(a) of this rule, and affected states, under section 17(4) of this rule, of the requested Part 70 permit modifications. The commissioner shall send any notice required under section 18(b) of this rule to the U.S. EPA.

(5) The provisions of subsection (b)(5) shall apply to modifications eligible for group processing, except that the commissioner shall take one (1) of the actions specified in subsection (b)(5) within one hundred eighty (180) days of receipt of the application or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later.

(6) The provisions of subsection (b)(6) shall apply to modifications eligible for group processing.

(7) The Part 70 permit shield under section 15 of this rule is not applicable to modifications eligible for group processing until after the commissioner has issued the modifications.

(d) Significant modification procedures shall be as follows:

(1) Significant modification procedures shall be used for applications requesting Part 70 permit modifications that do not qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring Part 70 permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall be considered significant. Nothing in this subdivision shall be construed to preclude the permittee from making changes consistent with this rule that would render existing Part 70 permit compliance terms and conditions irrelevant.

(2) Significant Part 70 permit modifications shall meet all requirements of this rule, including those for application, public participation, review by affected states, and review by the U.S. EPA, and availability of the permit shield as they apply to Part 70 permit issuance and Part 70 permit renewal. The commissioner shall complete review of the majority of significant Part 70 permit modifications within nine (9) months after receipt of a complete application.

(Air Pollution Control Board; 326 IAC 2-7-12; filed May 25, 1994, 11:00 a.m.: 17 IR 2262; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1044; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107)

SECTION 18. 326 IAC 2-7-16 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-16 Emergency provision

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

Affected: IC 13-15; IC 13-17

Sec. 16. (a) An emergency as defined in section 1(12) of this rule is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as otherwise provided in this section.

(b) An emergency as defined in section 1(12) of this rule constitutes an affirmative defense to an action brought for noncompliance with a ~~health-based~~ or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the permittee can, to the extent possible, identify the causes of the emergency.
- (2) The permitted facility was at the time being properly operated.
- (3) During the period of an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in a Part 70 permit.
- (4) For an emergency lasting one (1) hour or more, the permittee notified the commissioner within four (4) daytime business hours after:
 - (A) the beginning of the emergency; or
 - (B) the emergency is discovered or reasonably should have been discovered.
- (5) The permittee submitted notice either in writing or by facsimile of the emergency under subdivision (4) to the commissioner within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of section 5(3)(C)(ii) of this rule and must contain the following:
 - (A) A description of the emergency.
 - (B) Any steps taken to mitigate emissions.
 - (C) Corrective actions taken.
- (6) The permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 for sources subject to this rule after the effective date of this rule. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(e) Failure to notify the commissioner by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with ~~subdivisions (4) and (5) of subsection (b)~~ **subsection (b)(4) and (b)(5)** shall constitute a violation of this rule and any other applicable rules.

(f) The commissioner may require that the preventive maintenance plan required under section 4(c)(9) of this rule be revised in response to an emergency.

(g) Operations may continue during an emergency only if the following conditions are met:

- (1) If the emergency situation causes a deviation from a technology-based limit, the source may continue to operate the affected emitting facilities during the emergency provided the source immediately takes all reasonable steps to correct the emergency and minimize emissions.
- (2) If an emergency situation causes a deviation from a health-based limit, the source may not continue to operate the affected emissions facilities unless:

- (A) the source immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
- (B) continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value.

Any operation shall continue no longer than the minimum time required to prevent the situations identified in clause (B).

(Air Pollution Control Board; 326 IAC 2-7-16; filed May 25, 1994, 11:00 a.m.: 17 IR 2265; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2347)

SECTION 19. 326 IAC 2-7-24.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-7-24.1 Temporary alternative opacity limitations

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

Affected: IC 13-15; IC 13-17

Sec. 24.1. A temporary alternative opacity limitation approved by the commissioner in accordance with 326 IAC 5-1-3 must be incorporated in a Part 70 permit and submitted as a revision to the state implementation plan. *(Air Pollution Control Board; 326 IAC 2-7-24.1)*

SECTION 20. THE FOLLOWING ARE REPEALED: 326 IAC 2-7-24; 326 IAC 2-7-25.

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 May 22, 2001 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 2 regarding Title V program approval.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. 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 Chris Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for 3-6868 (in Indiana). If the date of this hearing is changed it will be noticed in the Change of Notice section of the Indiana Register.

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) 233-1785. TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

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