TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-91(F)

DIGEST

Adds 312 IAC 23-3-5 to authorize modification of a previously approved certification of the Indiana state historic rehabilitation tax credit. The division of historic preservation and archaeology may seek a modification based upon an allegation of misrepresentation, fraud, or similar good cause through a complaint filed with the natural resources commission. The division may modify the credit, if caused by a statutory change subsequent to certification, upon the issuance of an administrative letter. Effective 30 days after filing with the secretary of state.

312 IAC 23-3-5

SECTION 1. 312 IAC 23-3-5 IS ADDED TO READ AS FOLLOWS:

312 IAC 23-3-5 Modification of tax credits
Authority: IC 6-3.1-16-15; IC 14-10-2-5; IC 14-21-1-31
Affected: IC 4-21.5; IC 6-3.1-16-14

Sec. 5. (a) The division may, for misrepresentation, fraud, or similar good cause, file a complaint with the commission under IC 4-21.5 to modify or terminate a tax credit previously approved under this rule.

(b) The division shall, by administrative letter, modify a tax credit certification to conform the credit to a subsequent statutory change to IC 6-3.1 (or the amount of the annual credit authorized by IC 6-3.1). A modification under this subsection may accelerate or defer when a credit can be taken but shall not modify the sequence of the queue referenced in section 4(g) of this rule. *(Natural Resources Commission; 312 IAC 23-3-5; filed Oct 9, 2001, 4:34 p.m.: 25 IR 708)*

LSA Document #01-91(F)
Notice of Intent Published: 24 IR 2113
Proposed Rule Published: August 1, 2001; 24 IR 3670
Hearing Held: August 27, 2001
Approved by Attorney General: September 28, 2001
Approved by Governor: October 9, 2001
Filed with Secretary of State: October 9, 2001, 4:34 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-106(F)

DIGEST

Amends 312 IAC 13-4-1 and 312 IAC 13-6-2 that governs water well drillers (and the construction, maintenance, and proper abandonment of water wells) to authorize the use of corrugated fiberglass casing in bucket wells. Establishes minimum technical standards for the use of corrugated fiberglass casing. Effective 30 days after filing with the secretary of state.

312 IAC 13-4-1
312 IAC 13-6-2

SECTION 1. 312 IAC 13-4-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 13-4-1 Casing
Authority: IC 25-39-4-2; IC 25-39-4-9
Affected: IC 25-39

Sec. 1. (a) This section establishes minimum casing requirements.

(b) A new well shall be equipped with casing having an inside diameter of at least two (2) inches. The inside diameter of the well casing shall allow for easy installation and future removal of the permanent pumping equipment.

(c) A well must be cased to a depth of at least twenty-five (25) feet below the ground surface unless otherwise approved by the division.

(d) Casing shall be constructed of a steel or thermoplastic material or a casing specified in subsection (f). Ferrous casing shall be new, first class material that meets the American Society of Testing Materials (ASTM) standards ASTM A-120 (1984) or ASTM A-53 (1987) or American Petroleum Institute (API) standards API-5A or API-5L (1987). Thermoplastic pipe shall comply with ASTM F-480 (1981).

(e) Casing used under this section must be new. Casing that is salvaged within thirty (30) days of the installation of a well is considered new if the casing is still in new condition.

(f) Steel, thermoplastic **or NSF certified fiberglass** pipe, or concrete tile shall be used in bucket wells. This casing shall be new material.

(g) No finished well casing shall be cut below the ground surface except to install a pitless well adapter **or as specified in 312 IAC 13-6-2(b)(1) or 312 IAC 13-6-2(c)(2).** A pitless adapter must meet the requirements of section 3 of this rule.

(h) Upon installation, a well casing shall be fitted with a temporary cap that remains in place until pumping equipment or a pitless adapter is installed. The cap shall be a type that prevents vermin or other potential contaminants from entering the well.

(i) This section does not apply to a monitoring well or a dewatering well. *(Natural Resources Commission; 312 IAC 13-4-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 767; filed Oct 9, 2001, 4:32 p.m.: 25 IR 708)*

SECTION 2. 312 IAC 13-6-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 13-6-2 Bucket wells

Authority: IC 25-39-4-2; IC 25-39-4-9
Affected: IC 25-39

Sec. 2. (a) This section governs the construction of wells by bucket rig drilling methods.

(b) A bucket well installed as buried slab construction shall conform with the following:

(1) The well casing shall terminate not less than ten (10) feet below the ground surface. The casing shall meet the requirements contained in 312 IAC 13-4-1 and must be firmly embedded in or connected to a pipe, a minimum of two (2) inches inside diameter, cast in a reinforced buried concrete slab, **or attached to a NSF certified fiberglass cap with a watertight mechanical or glued connection. Fiberglass well casing may be slotted below the ground surface to allow for the transmittance of water into the well.**

(2) The annular opening between the well casing and the well bore shall be filled with washed graded gravel from the bottom of the well to the concrete slab **or the fiberglass.** The annular space between the pipe and borehole shall be sealed with concrete or granular, pelletized, or coarse grade crushed bentonite at least six (6) inches thick. The remainder of the borehole shall be filled with clean earth and thoroughly tamped to minimize settling.

(c) A bucket well installed not using buried slab construction shall conform with the following:

(1) A well shall have a borehole with an inside diameter at least two (2) inches larger than the outside diameter of the lining or well casing.

(2) The well shall have a continuous watertight lining of steel **or fiberglass** casing or concrete extending at least five (5) feet below the ground surface. The casing shall meet the requirements contained in 312 IAC 13-4-1. **Fiberglass well casing may be slotted below the ground surface to allow for the transmittance of water into the well.**

(3) The annulus between the inside diameter of the borehole and the outside diameter of the well casing shall be filled with washed graded gravel from the bottom of the well to a depth at least five (5) feet below the ground surface. The remaining annulus shall be sealed with neat cement, bentonite slurry, or granular, pelletized, medium grade, or coarse grade crushed bentonite from ground level to at least five (5) feet below ground level.

(4) A reinforced cover slab at least four (4) inches thick with a diameter larger than the casing **or a NSF certified fiberglass cap** shall be provided. Vents or pump piping that exits through the slab shall have the pipe sleeves cast in place. **Vents or pump piping that exits through the fiberglass cap or casing shall be attached with a watertight mechanical or glued connection.** The top of the slab **or fiberglass cap** shall be sloped to drain to all sides. ~~and~~ A watertight joint **shall be** made where the slab rests on the well lining using a watertight sealing compound. If a manhole is installed, the manhole shall have a metal curb cast in the concrete slab and extending four (4) inches above the slab. The manhole shall have a watertight cover with the sides to overhang the curb at least two (2) inches. A vent shall be installed **in a concrete slab** and shall consist of a metal pipe extending above the slab with the open end turned down and at least six (6) inches above the slab. The open end shall be covered with sixteen (16) mesh or finer screen made of durable material. **A vent shall be installed in a fiberglass cap or casing and shall consist of a metal or plastic pipe extending at least six (6) inches above the cap or away from the casing with the open end turned down.**

(5) A hole drilled in the **concrete** casing for a below ground discharge line shall be sealed on the inside and outside of the well casing with concrete or a mastic compound. **Fiberglass casing equipped with a below ground discharge line shall have the discharge line attached with a watertight mechanical or glued connection.**

(6) In a bucket well where casing is used with an inside diameter of less than twelve (12) inches that extends the entire depth of the borehole, the graded gravel filling the annular space between the inside of the borehole and outside of the casing shall terminate not less than ten (10) feet below ground surface. The borehole annulus shall be filled with granular, pelletized, or coarse grade crushed bentonite a minimum of six (6) inches thick and the remainder of the borehole shall be filled with clean earth and thoroughly tamped to minimize settling.

(d) This section does not apply to any of the following:

(1) A monitoring well.

(2) A dewatering well.

(3) A public water supply well.

The installation of a public water supply well is governed by 327 IAC 8-3.4. *(Natural Resources Commission; 312 IAC 13-6-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 768; filed Oct 9, 2001, 4:32 p.m.: 25 IR 709)*

LSA Document #01-106(F)
Notice of Intent Published: 24 IR 2114
Proposed Rule Published: July 1, 2001; 24 IR 3102
Hearing Held: July 24, 2001
Approved by Attorney General: September 26, 2001
Approved by Governor: October 9, 2001
Filed with Secretary of State: October 9, 2001, 4:32 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-218(F)

DIGEST

Amends 326 IAC 6-1concerning nonattainment area particulate limitations. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period (natural gas combustion sources): October 1, 1998, Indiana Register (22 IR 239).

First Notice of Comment Period (descriptive corrections to 326 IAC 6-1): November 1, 1999, Indiana Register (23 IR 405).

Second Notice of Comment Period and Notice of First Hearing, August 1, 2000, Indiana Register (23 IR 2901).

Date of First Hearing: October 4, 2000.

Proposed Rule and Notice of Second Hearing: November 1, 2000, Indiana Register (24 IR 394).

Date of Second Hearing: January 3, 2001.

Notice of Recall: July 1, 2001, Indiana Register (24 IR 3071).

Readoption Hearing: August 1, 2001.

326 IAC 6-1-1
326 IAC 6-1-1.5
326 IAC 6-1-2
326 IAC 6-1-3
326 IAC 6-1-4
326 IAC 6-1-5
326 IAC 6-1-6
326 IAC 6-1-8.1
326 IAC 6-1-9
326 IAC 6-1-10.1
326 IAC 6-1-11.1
326 IAC 6-1-11.2
326 IAC 6-1-12
326 IAC 6-1-13
326 IAC 6-1-14
326 IAC 6-1-15
326 IAC 6-1-16
326 IAC 6-1-17
326 IAC 6-1-18

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

326 IAC 6-1-1 Applicability

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1. **(a) Except as provided in subsections (b) through (d),** sources or facilities ~~specifically listed in section 7 of this rule shall comply with the limitations contained therein. Sources or facilities that are: (1)~~ located in the counties ~~listed in section 7 of this rule;~~ **of Clark, Dearborn, Dubois, Howard, Lake, Marion, St. Joseph, Vanderburgh, Vigo, or Wayne shall comply with:**

(1) the limitations in sections 8.1 through 18 of this rule, if the source or facility is specifically listed in sections 8.1 through 18 of this rule; or

(2) ~~but which sources or facilities are~~ **the limitations of section 2 of this rule, if the source or facility is** not specifically listed in ~~section 7 of this rule; and (3) have~~ **sections 8.1 through 18 of this rule, but has** the potential to emit one hundred (100) tons or more, ~~of particulate matter per year~~ or ~~have~~ **has** actual emissions of ten (10) tons or more, of particulate matter per year. ~~shall comply with the limitations of section 2 of this rule. The limitations in sections 2 and 7 of this rule shall not apply to sources for which specific emission limitations have been established in a Part 70 permit in accordance with 326 IAC 2-7-4.~~

(b) The limitations in sections 2 and 8.1 through 18 of this rule shall not apply to sources that have specific emission limitations established in a Part 70 permit in accordance with 326 IAC 2-7-24.

(c) Particulate limitations shall not be established for combustion units that burn only natural gas at sources or facilities identified in sections 8.1, 9, and 12 through 18 of this rule, as long as the units continue to burn only natural gas.

(d) If the limitations in sections 2 and 8.1 through 18 of this rule conflict with or are inconsistent with limitations established in 326 IAC 12, then the more stringent limitation shall apply. *(Air Pollution Control Board; 326 IAC 6-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710)*

SECTION 2. 326 IAC 6-1-1.5 IS ADDED TO READ AS FOLLOWS:

326 IAC 6-1-1.5 Definitions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1.5. (a) This section applies to the sources, facilities, and operations listed in this rule.

(b) The following definitions apply throughout this rule:

(1) "Asphalt concrete plant" means a facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement.

(2) "Existing source" means any source that has commenced construction or is in operation at the time of promulgation of this rule.

(3) "Fuel combustion steam generator" means any furnace or boiler used in the process of burning solid, liquid, or gaseous fuel or any combination thereof for the purpose of producing steam by heat transfer.

(4) "Glass container manufacturing" means any industry manufacturing containers from soda-silica-lime glass.

(5) "Grain elevator" means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded.

(6) "Mineral aggregate operation" means an operation involving mining, blasting and crushing, sizing, storing, and transporting of mineral materials.

(Air Pollution Control Board; 326 IAC 6-1-1.5; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710)

SECTION 3. 326 IAC 6-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-2 Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 2. (a) ~~General sources.~~ **Particulate matter emissions**

from facilities **constructed after applicable dates in subsections (c) and (d) or** not limited by subsections (b), ~~through~~ **(e), (f), or** (g) ~~of this section~~ shall not ~~allow or permit discharge to the atmosphere of any gases which contain particulate matter in excess of~~ **exceed seven-hundredths** (0.07) gram per dry standard cubic meter (g/dscm) **(three-hundredths** (0.03) grain per dry standard cubic foot (dscf)). ~~Where this limitation is more stringent than the applicable limitations of subsections (b) through (g) of this section, for facilities in existence prior to the applicability dates, or of a size not applicable to said subsections, emission limitations for those facilities shall be determined by the commissioner and will be established in accordance with the procedures set forth in subsection (h) of this section.~~

(b) Fuel combustion steam generators ~~No person shall operate a fossil fuel combustion steam generator (any furnace or boiler used in the process of burning solid, liquid, or gaseous fuel or any combination thereof for the purpose of producing steam by heat transfer) so as to discharge or cause to be discharged any gases unless such gases~~ are limited to **the following particulate matter emissions limitations:**

(1) **For solid fuel-fired generators:**

(A) that have greater than sixty-three million (63,000,000) kilocalories (kcal) per hour heat input (two hundred fifty million (250,000,000) Btu), a particulate matter content of no greater than **eighteen-hundredths** (0.18) ~~grams~~ **gram** per million calories (**one-tenth** (0.10) ~~pounds~~ **pound** per million Btu); ~~for solid fuel fired generators of greater than sixty-three million (63,000,000) kilocalories (kcal) per hour heat input (two hundred fifty (250) million Btu);~~

~~(2)~~ **(B) that have equal to or greater than six million three hundred thousand (6,300,000) kcal per hour heat input, but less than or equal to sixty-three million (63,000,000) kcal per hour heat input (equal to or greater than twenty-five million (25,000,000) Btu, but less than or equal to two hundred fifty million (250,000,000) Btu),** a particulate matter content of no greater than **sixty-three hundredths** (0.63) ~~grams~~ **gram** per million calories (**thirty-five hundredths** (0.35) ~~pounds~~ **pound** per million Btu); ~~for solid fuel fired generators of equal to or greater than 6.3 but less than or equal to sixty-three million (63,000,000), kcal per hour heat input (twenty-five (25) but less than or equal to two hundred fifty (250) million Btu)~~; **or**

~~(3)~~ **(C) that have less than six million three hundred thousand (6,300,000) kcal per hour heat input (twenty-five million (25,000,000) Btu),** a particulate matter content of no greater than **one and eight-hundredths** (1.08) grams per million calories (**six-tenths** (0.6) ~~pounds~~ **pound** per million Btu). ~~for solid fuel fired generators of less than 6.3 million kcal per hour heat input (twenty-five (25) million Btu).~~

~~(4)~~ **(2) For all liquid fuel-fired steam generators**, a particulate matter content of no greater than **twenty-seven hundredths** (0.27) ~~grams~~ **gram** per million kcal (**fifteen-hundredths** (0.15) ~~pounds~~ **pound** per million Btu). ~~for all liquid fuel fired steam generators.~~

~~(5)~~ **(3) For all gaseous fuel-fired steam generators,** a particulate matter content of no greater than ~~(.01)~~ ~~grains~~ **one-hundredth (0.01) grain** per dry standard cubic foot ~~for all gaseous fuel-fired steam generators.~~ **(dscf).**

(c) Asphalt concrete plants ~~The requirements of this provision shall apply to any asphalt concrete plant (any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement) An asphalt concrete plant is deemed to consist only~~ **in existence on or prior to June 11, 1973, and consisting** of, ~~the following:~~ **but not limited to:**

(1) driers;

(2) systems for screening, handling, storing, and weighing hot aggregate;

(3) systems for loading, transferring, and storing mineral filler;

(4) systems for mixing asphalt concrete; and

(5) the loading, transfer, and storage systems associated with emission control systems;

~~(1) No person shall operate the affected facilities of an asphalt concrete plant which existed on or prior to June 11, 1973, so as to discharge or cause to be discharged into the atmosphere any gases unless such gases~~ are limited to ~~(A) A~~ particulate matter ~~content~~ **emissions** of no greater than **two hundred thirty** (230) mg per dscm ~~(0.10)~~ (**one-tenth (0.1)** grain per dscf).

(d) **The following are requirements for** grain elevators: ~~No person shall operate a grain elevator (a grain elevator is (defined as any plant or installation at which grain is unloaded, handled, cleaned, dried, stored or loaded) without meeting the provisions of this subsection. Subdivision (1) of this subsection shall apply to~~

(1) For grain elevators that began construction or modification prior to January 13, 1977, any grain storage elevator located at any grain processing source ~~which~~ **that** has a permanent grain storage capacity of thirty-five thousand two hundred (35,200) cubic meters (one ~~(1)~~ million **(1,000,000)** U.S. bushels) **or more,** and any grain terminal elevator ~~which~~ **that** has a permanent grain storage capacity of eighty-eight thousand one hundred (88,100) cubic meters (two ~~and one-half (2.5)~~ million **five hundred thousand (2,500,000)** U.S. bushels) ~~All grain elevators subject to this rule (326 IAC 6-1) shall comply with the requirements of subdivision (2) of this section. (1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility, except a grain dryer any process emission unless such emissions are~~ **or more shall be** limited to ~~a~~ particulate matter ~~content~~ **emissions** of no greater than **seven-hundredths** (0.07) ~~gram per dry standard cubic meter (dscm)~~ **g/dscm** (**three-hundredths** (0.03) grain per ~~dry standard cubic foot~~ dscf). ~~for said facilities for which construction or modification commenced prior to January 13, 1977.~~

(2) **All** grain elevators subject to this ~~subdivision~~ **rule** shall provide for ~~good~~ housekeeping and ~~good~~ maintenance procedures ~~Good housekeeping and maintenance is defined as those practices which would be followed by a prudent management in controlling, regulating, and maintaining clean and safe conditions of buildings, conditions, and grounds. In particular, these practices are required to~~ **that** minimize the opportunity for particulate matter to become airborne and leave the property, **such as the following:**

(A) ~~Good~~ Housekeeping practices shall be conducted ~~in the following areas or operations:~~ **as follows:**

(i) Areas to be swept and maintained ~~clean in~~ appearance shall include at a minimum:

(AA) general grounds, yard, and other open areas;

(BB) floors, decks, hopper areas, loading areas, dust collectors, and all ~~such~~ areas of dust or waste concentrations; and

(CC) grain driers with respect to accumulated particulate matter.

(ii) Cleanings ~~or~~ **and** other collected waste material shall be handled and disposed of ~~in such a manner~~ **so** that the area does not generate fugitive dust.

(iii) Dust from driveways, access roads, and other areas of travel shall be controlled.

(iv) Accidental spills and other accumulations shall be cleaned up as soon as possible but no later than completion of the day's operation.

(B) ~~Good~~ Equipment maintenance ~~will be those~~ **shall consist of** procedures ~~which~~ **that** eliminate or minimize emissions from equipment or a system caused by **the following:**

(i) Malfunctions.

(ii) Breakdowns.

(iii) Improper adjustment.

(iv) ~~Operation~~ **Operating** above **the** rated or designed capacity.

(v) Not following designed operating specifications.

(vi) Lack of good preventive maintenance care.

(vii) Lack of critical and proper spare replacement parts on hand.

(viii) Lack of properly trained and experienced personnel.

(C) ~~To insure the above good housekeeping and maintenance procedures,~~ Emissions from the affected areas, operations, equipment, and systems shall not exceed twenty percent (20%) opacity as determined pursuant to 326 IAC 5-1.

(e) ~~Foundries: Grey~~ **Gray** iron foundries shall be limited ~~by~~ **to** the ~~provisions of this subsection.~~ **following:**

(1) ~~No owner or operator~~ **Any cupola** of a ~~grey~~ **gray** iron foundry shall ~~cause, allow or permit from any cupola the discharge into the atmosphere any gases unless such gases are~~ **be** limited to ~~a~~ particulate matter ~~content~~ **emissions** of no greater than **thirty-four hundredths** (0.34) g/dscm (**fifteen-hundredths** (0.15) grain/dscf).

(2) ~~No owner or operator~~ **Any melting process, excluding any cupola,** of a ~~grey~~ **gray** iron foundry shall ~~cause, allow, or permit from any melting process, excluding any cupola, the discharge into the atmosphere any gases, unless such gases are~~ **be** limited to ~~a~~ particulate matter ~~content~~ **emissions** of no greater than **sixteen-hundredths** (0.16) g/dscm (**seven-hundredths** (0.07) grain/dscf).

(f) Glass container manufacturing ~~No person shall operate any glass container manufacturing (any industry manufacturing containers from soda-silica-lime glass)~~ furnace operations ~~so as to discharge or cause to be discharged into the atmosphere any gases, unless such gases are~~ **shall be** limited to ~~a~~ particulate matter ~~content~~ **emissions** of no greater than **one** (1.0) ~~grams~~ **gram** per **two** (2.0) kilograms of process material (**one** (1.0) ~~pounds~~ **pound** per ton).

(g) ~~Mineral aggregate operations:~~ Mineral aggregate operations, ~~(operations involving mining, blasting and crushing, sizing, storing, and transporting of mineral materials) shall be limited to the following: (1) All operations subject herein~~ where the process is totally enclosed, ~~and thus it is practical to measure the emissions therefrom~~ shall comply with the requirements ~~set forth~~ in subsection (a). ~~(2)~~ In addition, 326 IAC 2, 326 IAC 5-1, and 326 IAC 6-4 shall apply in all cases to mineral aggregate operations.

(h) Based on modeling analyses available to the commissioner, where it is determined that the ~~above~~ limitations **in subsections (a) through (g)** are not adequate to achieve and maintain the ambient particulate air quality standards established by 326 IAC 1-3, ~~those~~ **the** limitations set forth in this section may be changed for **facilities:**

(1) ~~facilities~~ having a significant impact on air quality and located in areas where the ambient particulate standard ~~is~~ either **is** not attained or will not be maintained without emission limitations in addition to those set forth in this section; and

(2) ~~facilities~~ required to comply with the prevention of significant deterioration requirements of 326 IAC 2. These limitations shall be established in construction and operation permits issued in accordance with the procedures set forth in 326 IAC 2.

(i) If the emission limitations established in subsections (a) through (g) ~~of this section~~ for facilities ~~which are~~ **that were** operating or under construction on August 7, 1980, impose a severe economic hardship on any individual source, **then** the source may petition the commissioner for reconsideration of ~~said~~ **the** limitations. If the source can demonstrate to the commissioner's satisfaction that a severe hardship will be caused if the **applicable** requirements ~~of the applicable subsections above~~ **in this section** are enforced, **then** less restrictive emission limitations may be established by the commissioner, provided the less restrictive limitations will guarantee the

attainment and maintenance of the particulate ambient air quality standards established by 326 IAC 1-3. ~~Such less restrictive limits shall be established pursuant to the requirement set forth in subsection (h) of this section.~~ *(Air Pollution Control Board; 326 IAC 6-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed Nov 8, 2001, 2:02 p.m.: 25 IR 710)*

SECTION 4. 326 IAC 6-1-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-3 Nonattainment area particulate limitations; compliance determination

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 3. Testing to determine the amount of particulate matter emitted from any facility subject to the requirements of this rule shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5*, or other procedures approved by the commissioner **and U.S. EPA**.

***The following is incorporated by reference: 40 CFR 60, Appendix A, Methods 1-5.** Copies ~~of the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, **732 North Capitol Street,** Washington, D.C. ~~20402 Copies~~ **20401 and** are ~~also~~ available **for review and copying** at the Department of Environmental Management, Office of Air ~~Management, 105 South Meridian Street,~~ **Quality, 100 North Senate Avenue, Room 1001,** Indianapolis, Indiana ~~46225.~~ **46204.** *(Air Pollution Control Board; 326 IAC 6-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1110; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713)*

SECTION 5. 326 IAC 6-1-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-4 Compliance schedules

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 4. ~~(a) All sources which are operating on June 19, 1979, and which have been issued more stringent emission limitations than existed on August 7, 1977, pursuant to 326 IAC 6-1-2, herein shall achieve compliance in accordance with the following schedule:~~

~~(1) submittal of plans and specifications by December 31, 1979;~~

~~(2) initiation of on-site construction or installation by June 30, 1980;~~

~~(3) completion of on-site construction or installation by June 30, 1981;~~

~~(4) achieve compliance by October 31, 1981;~~

~~(5) submit performance results by December 31, 1981.~~

~~(b)~~ **(a) Unless the commissioner has determined that a performance test is not required for a facility,** the owner or operator of ~~sources beginning operation after the August 27, 1980,~~ **a source** shall ~~within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than one hundred eighty (180) days after the initial startup of the facility,~~ submit to the commissioner the results of a performance ~~test(s)~~ **test,** conducted in accordance with 326 IAC 6-1-3, demonstrating compliance with the emissions limitations established pursuant to this rule: ~~(326 IAC 6-1), unless the commissioner has determined that a performance test is not required for said facility.~~

(1) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated; or

(2) not later than one hundred eighty (180) days after the initial startup of the facility;

except when different compliance dates are established in a permit.

~~(c)~~ **(b)** If ~~emission limitations for a source or facility are added to after June 19, 1979, or~~ the emission limit applicable to a source or facility is made more stringent by reason of amendments to this rule ~~(326 IAC 6)~~ or by reason of amended permit requirements, then ~~such~~ **the** source **or facility** shall achieve compliance as soon as practicable but not later than specified by the following schedule:

(1) Submittal of plans and specifications within six (6) months after:

(A) the date the source becomes subject to the terms ~~hereof;~~ **in this section;** or

(B) the effective date of the amended ~~regulation~~ **rule** or permit imposing a stricter limit.

Whichever date is applicable to a particular source is hereafter referred to as the effective date.

(2) Initiation of on-site construction or installation within twelve (12) months after the effective date.

(3) Completion of on-site construction or installation within twenty-four (24) months after the effective date.

(4) Achievement of compliance within twenty-eight (28) months after the effective date.

(5) Submittal of performance results within thirty (30) months of the effective date.

~~An extension of time may be granted by the commissioner in accordance with subsection (b) of this section.~~ *(Air Pollution Control Board; 326 IAC 6-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713)*

SECTION 6. 326 IAC 6-1-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-5 Control strategies

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 5. (a) ~~Emission limitations established~~ For existing sources, **the following shall apply:**

(1) Whenever emission limitations set forth in sections 8.1

through 18 of this rule are revised and established pursuant to 326 IAC 6-1-2(h) **and 326 IAC 6-1-2(i)** *[section 2(h) and 2(i) of this rule]*, **the revisions** shall be ~~identical to corresponding emission limitations set forth in Indiana's (SIP) state implementation plan, as~~ submitted to ~~the~~ U.S. EPA for approval ~~Said emission limitations are set forth in 326 IAC 6-1-7; however, as permits are~~ **as part of Indiana's state implementation plan (SIP).**

(2) If a permit issued by the commissioner, pursuant to this rule, ~~(326 IAC 6-1), which incorporate the~~ **contains** emission limitations **more stringent than the limitations** set forth in ~~326 IAC 6-1-7;~~ **sections 8.1 through 18 of this rule, then** the emission limitations set forth in the permit shall supersede and replace the corresponding limitations in ~~326 IAC 6-1-7. However, if the limitations set forth in 326 IAC 6-1-7 are determined to be inappropriate and are revised and submitted to U.S. EPA as a SIP revision, the permits shall reflect the revised limitations.~~ **sections 8.1 through 18 of this rule.**

(b) **For** new sources, ~~whose~~ emission limitations ~~are more restrictive than those established by 326 IAC 6-1-2(a) through 326 IAC 6-1-2(g) and thus have been established by permit~~ and any revisions to ~~emissions~~ **emission** limitations ~~formerly set forth in 326 IAC 6-1-7, but replaced pursuant to subsection (a) of this section by emission limitations in a permit issued by the commissioner~~ shall be established **as conditions** in permits. ~~as conditions thereto, and shall not become a part of nor promulgated as a revision to this rule (326 IAC 6-1).~~

(c) Upon issuance, the above permits shall be submitted to U.S. EPA for review, and the emission limitations ~~set forth therein~~ **contained in the permits** shall be submitted as ~~a~~ SIP ~~revision.~~ **revisions**.

(d) In ~~326 IAC 6-1-7~~ **sections 8.1 through 18 of this rule,** where there are two (2) emission limits listed for a particular source or facility, the source or facility shall be required to comply with both limits. *(Air Pollution Control Board; 326 IAC 6-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2427; filed Nov 8, 2001, 2:02 p.m.: 25 IR 713)*

SECTION 7. 326 IAC 6-1-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-6 State implementation plan revisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 6. Any exemptions given or provisions granted ~~to~~ **under** this rule ~~(326 IAC 6-1)~~ by the commissioner in ~~326 IAC 6-1-2(a), (g), (h), and (i), 326 IAC 6-1-4, and 326 IAC 6-1-5,~~ **sections 2(a), 2(g) through 2(i), 4, and 5 of this rule** shall be submitted to ~~the~~ U.S. EPA as revisions to the state implementation plan (SIP). *(Air Pollution Control Board; 326 IAC 6-1-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2428; filed Nov 8, 2001, 2:02 p.m.: 25 IR 714)*

SECTION 8. 326 IAC 6-1-8.1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-8.1 Dearborn County particulate matter emission limitations

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 8.1. (a) ~~The following~~ Sources and facilities shall comply with the requirements specified ~~below.~~ **in subsections (b) through (i).**

(b) Schenley Distillers, Inc., as follows:

(1) Particulate matter emissions from Boiler 1 shall be limited to one hundred fifty ten-thousandths (.0150) ~~pounds~~ **pound** per million British thermal units and seven ~~(7.0)~~ **(7)** tons per year.

(2) Particulate matter emissions from Boiler 2 shall be limited to one hundred fifty ten-thousandths (.0150) ~~pounds~~ **pound** per million British thermal units and five and two-tenths ~~(5.20)~~ **(5.2)** tons per year.

(3) Particulate matter emissions from Boiler 9 shall be limited to one hundred fifty ten-thousandths (.0150) ~~pounds~~ **pound** per million British thermal units and four and five-tenths ~~(4.50)~~ **(4.5)** tons per year.

(c) Joseph E. Seagram and Sons, Inc., as follows:

(1) Boiler 5 shall burn only natural gas.

~~(1)~~ **(2)** Particulate matter emissions from Boiler 6 shall be limited to one hundred eighty-thousandths (0.180) ~~pounds~~ **pound** per million British thermal units.

~~(2) Particulate matter emissions from Boiler 5 shall be limited to six hundred twenty-thousandths (0.620) pounds per million British thermal units when Boiler 6 is using natural gas or is not in operation.~~

~~(3) Particulate matter emissions from Boiler 5 shall be limited to one hundred eighty ten-thousandths (0.0180) pounds per million British thermal units at any time during which Boiler 6 is using a fuel other than natural gas.~~

~~(4) Combined~~ **(3)** Particulate matter emissions from ~~Boilers 5 and~~ **Boiler** 6 shall be limited to two hundred fourteen and two-tenths (214.2) tons per twelve (12) consecutive months period. ~~Particulate matter emissions from Boiler 5 shall be limited to two hundred nine (209) tons per twelve (12) consecutive months period.~~

~~(5)~~ **(4)** Seagram shall maintain a log for ~~each~~ Boiler ~~which~~ **6 that** contains fuel type used each hour, fuel amount used each month, and the monthly average heat and sulfur contents of each fuel burned.

~~(6)~~ **(5)** Within thirty (30) days of **the** end of each calendar quarter, Seagram shall report monthly emissions from ~~each~~ Boiler **6** for each of the twelve (12) months prior to the end of the calendar quarter to the department. The report shall contain the information on fuel type, usage, sulfur content, and heat content necessary to determine monthly emissions. For purposes of calculating monthly emissions, the emission rate for ~~Boilers 5 and~~ **Boiler** 6, during periods when coal is being burned, shall be

assumed to be ~~sixty-two hundredths (0.62) pounds per million British thermal units and~~ eighteen-hundredths (0.18) ~~pounds~~ **pound** per million British thermal units. ~~respectively.~~

(d) Paul H. Rohe Co.: particulate matter emissions from the rotary dryer shall be limited to twenty-two hundredths (0.22) ~~grains~~ **grain** per dry standard cubic foot and nineteen and ten-hundredths (19.10) tons per year.

(e) ~~Diamond Thatcher~~ **Anchor** Glass as follows:
(1) Particulate matter emissions from Glass Furnace 1 shall be limited to one (1) pound per ~~tons~~ **ton** and forty-eight ~~(48.0)~~ **(48)** tons per year.
(2) Particulate matter emissions from Glass Furnace 2 shall be limited to one (1) pound per ton and forty-two and eight-tenths ~~(42.80)~~ **(42.8)** tons per year.

(f) Indiana Michigan Power, Tanners Creek Station as follows:
(1) Combined particulate matter emissions from Boilers 1, 2, and 3 shall be limited to ninety-thousandths (0.090) ~~pounds~~ **pound** per million British thermal units and one thousand five hundred eighty-one and eighty-hundredths (1,581.80) tons per year.
(2) Particulate matter emissions from Boiler 4 shall be limited to one-tenth ~~(.10)~~ ~~pounds~~ **(.1) pound** per million British thermal units and two thousand one hundred four ~~(2,104.0)~~ **(2,104)** tons per year.

(g) Lotus Ware House as follows:
(1) Particulate matter emissions from shipping/receiving/handling shall be limited to one hundred fifty-seven and one-tenth ~~(157.10)~~ **(157.1)** tons per year.
(2) Particulate matter emissions from corn cleaning shall be limited to eleven and one-tenth ~~(11.10)~~ **(11.1)** tons per year.
(3) Particulate matter emissions from corn drying shall be limited to twenty and nine-tenths ~~(20.90)~~ **(20.9)** tons per year.

(h) Dearborn Gravel: particulate matter emissions from screening/conveying/handling and storage shall be limited to two and eight-tenths ~~(2.80)~~ **(2.8)** tons per year.

(i) Laughery Gravel: particulate matter emissions from storage shall be limited to fourteen and four-tenths ~~(14.40)~~ **(14.4)** tons per year. *(Air Pollution Control Board; 326 IAC 6-1-8.1; filed Jan 30, 1989, 5:00 p.m.: 12 IR 1381; filed Nov 8, 2001, 2:02 p.m.: 25 IR 714)*

SECTION 9. 326 IAC 6-1-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-9 Dubois County
Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 9. The following limitations apply to Dubois County:

DUBOIS COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emissions Limit tons/yr	lbs/million BTU	grains/dscf
Indiana Dimension	0036	2P	Coal-Wood/Bark Boiler 5 MMBTU/Hr.	9.0	0.60	)
Indiana Furniture Industries	0027	3P	Wood/Bark Boiler 7 MMBTU/Hr.	5.2	0.60	)
Styline Industries, Plant #8	0035	4P	Coal-Wood Boiler 7 MMBTU/Hr.	9.0	0.60	)
Forest Wood Products No. 1	0033	5P	Wood Boiler 5 MMBTU/Hr.	9.0	0.60	)
Dolly Madison Plant No. 5	0016	8P	Coal Boiler 6 MMBTU/Hr.	9.4	0.60	)
Dolly Madison Plant No. 4	0017	9P	~~Coal-Wood/Bark~~ **Wood** Boiler 5 MMBTU/Hr.	9.4	0.60	)
Jasper Laminates, Plant #1) Division of Kimball	0042	10P	Wood-Wood Waste Boiler No. 1 20.5 MMBTU/Hr.	6.9	0.60	)
		31P	Natural Gas Boiler No. 2 16.8 MMBTU/Hr.	0.2	0.003	0.01
		104	**Wood Working**	**2**		
Jasper Cabinets Corporation	0004	11P	Wood Boiler 5.3 MMBTU/Hr.	7.6	0.60	)
			Wood Boiler 6.7 MMBTU/Hr.	7.6	0.60	)

Jasper Desk	007	12P	Coal-Wood Boiler 8 MMBTU/Hr.	14.6	0.60	)
Jasper Wood Products	0038	13P	Coal-Wood Boiler No. 1 6 MMBTU/Hr.	9.0	0.60	)
		14P	Coal-Wood Boiler No. 2 6 MMBTU/Hr.	9.0	0.60	)
Artec	0011	15P	Wood Chip Boiler 14 MMBTU/Hr.	12.0	0.60	)
		111	**Wood Working**	**2**		
Jasper Office Furniture Co., Inc., Plant #1	009	16P	Coal & Wood Boiler 11 MMBTU/Hr.	23.6	0.60	)
Jasper Seating	0010	17P	Coal-Wood/Bark Boiler 7 MMBTU/Hr.	17.7	0.60	)
Jasper Veneer	0037	19P	Boiler No. 1 Coal, Wood/Bark 5 MMBTU/Hr.	9.4	0.6	)
		20P	Boiler No. 2, Coal-Wood/Bark 5 MMBTU/Hr.	8.7	0.6	)
~~Artec~~	~~0026~~					
~~Jasper Furniture 30th St.~~						
~~Jasper Corp.)Kimball International~~	~~0006~~					
Jasper Mun. Electric	0002	28P	Coal Boiler 192 MMBTU/Hr.	265.6	0.350	)
Jasper Chair	0005	29P	Wood Boiler 18 MMBTU/Hr.	15.6	0.60	)
Hoosier Desk	0003	111	Wood Working	4.6		
Jasper Seating	0010	107	Wood Working	4.4		
Jasper Cabinet No. 2	0004	102	Wood Working	1.0		
Jasper Desk	0007	107	Wood Working	3.9		
Jasper Chair	0005	107	Wood Working	.7		
Indiana Desk	0027	107	Wood Working	5.4		
Indiana Chair	0036	107	Wood Working	.4		
Jasper Office Furniture	0009	107	Wood Working	1.2		
Jasper Wood Products	0038	107	Wood Working	5.3		
Jasper Veneer	0037	107	Wood Working	2.6		
~~Jasper Laminates~~	~~0042~~	~~104~~	~~Wood Working~~	~~2~~		
Forest Products No. 1	0033	8	Wood Working	4.2		
Jasper Cabinet No. 1	0006	111	Wood Working	5		
~~Jasper Stylemaster~~	~~0011~~	~~111~~	~~Wood Working~~	~~2~~		
Dubois County Farm Bureau Coop.	0014	22	Grain Elevator	348		

(Air Pollution Control Board; 326 IAC 6-1-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2429; filed Sep 18, 1998, 11:50 a.m.: 22 IR 424; filed Nov 8, 2001, 2:02 p.m.: 25 IR 715)

SECTION 10. 326 IAC 6-1-10.1, AS AMENDED AT 24 IR 1308, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-10.1 Lake County PM_{10} emission requirements

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

Sec. 10.1. (a) This section applies to the sources, facilities, and operations listed in subsection (d).

(b) The following definitions apply throughout this section:
(1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.
(2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.
(3) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts ~~which~~ **that** may be sold as

product shall not be included under the term "product".

(4) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.

(c) All emission limits in this section shall be PM_{10} limits, unless otherwise stated.

(d) The following sources shall comply with the corresponding PM_{10} and total suspended particulates (TSP) emission limitations and other requirements in this section consistent with the provisions as applicable in subsection (k). Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

(1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and

(2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
~~(1) A. METZ~~		
~~Asphalt batch plant~~	~~0.180 lbs/ton~~	~~27.00~~
~~(2) ADVANCED ALUMINUM PRODUCTS~~ **(1) JUPITER ALUMINUM CORPORATION**		
Reverberatory furnace number 1	0.060 lbs/ton	0.970
Reverberatory furnace number 2	0.142 lbs/ton	0.430
Reverberatory furnace number 3	0.145 lbs/ton	0.510
Reverberatory furnace number 4	0.145 lbs/ton	0.510
Reverberatory furnace number 5	0.130 lbs/ton	1.137
~~(3) AMERICAN CAN~~ **(2) SILGAN CONTAINERS MANUFACTURING CORPORATION**		
Stack serving incinerators (3 units)	0.007 lbs/MMBtu	0.310
Coil coater	0.007 lbs/MMBtu	0.290

~~(4)~~ **(3)** CERESTAR USA, INC.	Stack Number	lbs/hr	gr/dscf
Stack serving boiler numbers 6 and 7	10-03-U-P and 10-04-U-P	30.3	
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06-U-P	22.7	
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084	0.01
Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12	0.01
Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19	0.02
Gluten receiver	31-13-G(3/95)	0.23	0.02
Germ storage silo	31-14-G(10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G(12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G(12/95)	0.171	0.02
Corn cleaner	33-03-G(12/95)	0.21	0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04	0.01

Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11	0.01
Dextrin feed hoppers: 1 and 2 (System 1) Dextrin air lock feeder	34-06-S and 34-07-S (12/92)	0.030	0.01
Dextrin starch cooler	34B-01-S (10/93)	0.042	0.01
Dextrin storage hopper	34B-03-S (10/93)	0.114	0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179	0.01
Dextrin feed hoppers: 3 and 4 (System 2) #1 and #2 Dextrin air lock feeder	34B-05-S and 34B-06-S (10/93)	0.030	0.01
Dextrin incoming starch batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (Railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02

Each stack serving bulk corn starch storage bin numbers 20 through 36 (**five** (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only **one** (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01

	Emission Limit (Units)	Emission Limit (lbs/hr)
~~(5)~~ **(4)** AMERICAN STEEL **FOUNDRIES**)EAST CHICAGO		
Sand kiln and cooler	0.636 lbs/ton	16.29
Sandheater mixing	0.520 lbs/ton	11.44
Electric induction furnaces (2 units)	0.104 lbs/ton	1.248
#2 tumblast with dust collector	0.145 lbs/ton of product	0.678
#3 tumblast with dust collector	0.145 lbs/ton of product	0.678
Shakeout dust collector	0.012 lbs/ton of product	0.384
~~(6)~~ **(5)** AMERICAN STEEL FOUNDRY)HAMMOND		
Stack serving coil spring grinder numbers 3-0386 and 3-0389	1.083 lbs/ton	0.045
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040
Tub grinder number 3-0388	0.015 lbs/ton	2.00
Coil spring grinder number 3-0247	0.019 lbs/ton	0.03
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05
Shot blast peener number 3-1804	0.011 lbs/ton	0.06
Shot blast peener number 3-1811	0.018 lbs/ton	0.06
Shot blast peener number 3-1821	0.016 lbs/ton	0.06
Shot blast peener number 3-1823	0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10
Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05

~~(7)~~ **(6)** AMOCO OIL, WHITING REFINERY

Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340

~~(8)~~ **(7)** ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
~~(9) ATLAS BLACKTOP~~		
~~Drum mix asphalt plant~~	~~0.025 lbs/ton~~	~~4.440~~
~~(10)~~ **(8)** BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
~~(11) C and A WALLCOVERING~~		
~~Scotch marine boiler~~	~~0.007 lbs/MMBtu~~	~~0.095~~
~~(12) CERTIFIED CONCRETE INC.~~ **(9) SMITH READY MIX**		
Central mix	0.0013 lbs/ton	0.350
~~(13) COMMONWEALTH EDISON COMPANY~~ **(10) STATE LINE ENERGY, LLC**		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
~~(14)~~ **(11)** E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
~~(15) EAST CHICAGO INCINERATOR~~		
~~Each stack serving incinerator (2 units)~~	~~0.010 gr/dscf~~	~~3.470~~
~~(16)~~ **(12)** GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580
~~(17)~~ **(13)** GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
~~(18)~~ **(14)** GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
~~(19)~~ **(15)** HAMMOND ~~LEAD PRODUCTS)HALOX PLANT~~ **GROUP INC. (HGI)**		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
~~(20)~~ **(16)** HAMMOND ~~LEAD)HALSTAB PLANT~~ **GROUP INC. – HALSTAB DIVISION**		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990

~~(21)~~ **(17)** HAMMOND ~~LEAD PRODUCTS)LEAD PLANT~~ **GROUP INC. (HGI)**		
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
~~(22)~~ **(18)** HARBISON-WALKER **REFRACTORIES, HAMMOND WORKS**		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
~~(23)~~ **(19)** INLAND STEEL		
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00

Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
~~(24)~~ **(20)** KEIL CHEMICAL)**DIVISION OF FERRO CORPORATION**		
~~Clever~~ **Cleaver** brooks boiler B-4	0.007 lbs/MMBtu	0.09
~~Clever~~ **Cleaver** brooks boiler B-5	0.007 lbs/MMBtu	0.14

VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230
~~(25) KEYES FIBER~~ **(21) THE CHINET COMPANY**		
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050
~~(26)~~ **(22)** LTV STEEL CORPORATION		
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP
~~(27) LEHIGH PORTLAND CEMENT~~		
~~Raw ball mill RRM-1~~	~~0.085 lbs/ton~~	~~2.680~~
~~Pelletizer PP-1~~	~~0.051 lbs/ton~~	~~1.130~~
~~Pelletizer PP-2~~	~~0.051 lbs/ton~~	~~1.130~~
~~Green pellet dryer~~	~~0.111 lbs/ton~~	~~4.400~~
~~Preheater KP~~	~~0.198 lbs/ton~~	~~4.000~~
~~KK1 calcinator aluminate rotary kiln-lumnite plant~~	~~0.433 lbs/ton~~	~~8.670~~
~~Clinker cooler~~	~~0.556 lbs/ton~~	~~13.22~~
~~Finish ball mill~~	~~0.079 lbs/ton~~	~~1.660~~
~~Oil fired boiler~~	~~0.006 lbs/MMBtu~~	~~0.070~~
~~Number 1 bulk tank~~	~~0.001 lbs/ton~~	~~0.024~~
~~Number 2 bulk tank~~	~~0.001 lbs/ton~~	~~0.024~~
~~Number 3 bulk tank~~	~~0.001 lbs/ton~~	~~0.024~~
~~Silo baghouse number 1~~	~~0.120 lbs/ton~~	~~1.800~~
~~Silo baghouse number 2~~	~~0.120 lbs/ton~~	~~1.800~~
~~Silo baghouse number 3~~	~~0.120 lbs/ton~~	~~1.800~~
~~Silo baghouse number 4~~	~~0.120 lbs/ton~~	~~1.800~~
~~Heated hammermill~~	~~0.0032 lbs/ton~~	~~0.192~~
~~(28) LEVER BROTHERS~~ **(23) UNILEVER HPC, USA**		
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03

Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
~~(29)~~ **(24)** MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950
~~(30)~~ **(25)** MARPORT SMELTING		
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900

~~(31)~~ **(26)** METHODIST HOSPITAL		
Boiler number 1	0.044 lbs/MMBtu	0.350
~~(32)~~ **(27)** NATIONAL RECOVERY SYSTEMS		
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos **(two** (2) stacks)	0.001 lbs/ton	0.012

~~(33)~~ **(28)** NIPSCo)MITCHELL

(A) Boiler numbers 4, 5, 6, and 11:

(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

(ii) NIPSCo may operate under any one (1) of the following scenarios:

(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.

(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu and two hundred thirty-six ~~(236.0)~~ **(236)** pounds per hour.

(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five ~~(185.0)~~ **(185)** pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five ~~(175.0)~~ **(175)** pounds per hour.

(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu and two hundred fifty ~~(250.0)~~ **(250)** pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu and two hundred thirty-six ~~(236.0)~~ **(236)** pounds per hour.

(iii) NIPSCo shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(AA) Fuel type.

(BB) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.

(B) Upon the effective date of this amended rule, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11**,** meeting the following conditions:

(i) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial utilization of the operating scenario specified in clause (A)(ii)(BB). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu.

(ii) After the initial stack test specified in item (i), NIPSCo may utilize the operating scenario specified in clause (A)(ii)(BB) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.
(iii) If the operating scenario specified in clause (A)(ii)(BB) has not been utilized since the previous biennial stack test specified in this clause, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu.
(iv) If the operating scenario specified in clause (A)(ii)(BB) has been utilized since the previous biennial stack test specified in this clause, and NIPSCo no longer has the ability to operate the boilers as specified in clause (A)(ii)(BB), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth ~~(0.100)~~ **(0.1)** pound per million Btu.

All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

~~(34)~~ **(29)** PREMIER CANDY COMPANY		
Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450
~~(35) QUANEX~~ **(30)** LASALLE STEEL **COMPANY**		
Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020
~~(36)~~ **(31)** REED MINERALS PLANT #14		
Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0
(~~37) RHONE POULENC~~ **(32) RHODIA, INC.**		
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
~~Sulfuric acid production unit number 3~~	~~0.150 lbs/ton acid produced~~	~~1.560 acid mist~~
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist
~~(38) UNION CARBIDE~~ **(33) PRAXAIR**		
Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum+ shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020
~~(39)~~ **(34)** UNION TANK CAR COMPANY		
Grit blaster	0.002 lbs/ton	0.020
~~(40)~~ **(35)** U.S. GYPSUM COMPANY		
Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, stack B2	0.020 gr/dscf	0.860

Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	~~0.020~~ **0.34**
Panel saw process	0.020 gr/dscf	0.140
~~(41) U.S. REDUCTION COMPANY~~		
~~Crusher system~~	~~0.187 lbs/ton raw material~~	~~2.810~~
~~Milling system number 1~~	~~0.180 lbs/ton raw material~~	~~2.700~~
~~Milling system number 2~~	~~0.180 lbs/ton raw material~~	~~1.260~~
~~Reverberatory furnaces numbers 1, 2, 3, and 5 and borings dryer. Only 3 furnaces and the borings chip dryer shall operate at the same time while operating 4 baghouses identified as numbers 1, 2, 3, and 5.~~	~~0.271 lbs/ton aluminum produced~~	~~8.370~~
(~~42~~) **(36)** USS)Gary Works		
Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300
Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86
Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house, boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house, boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house, boiler number 6	0.020 lbs/MMBtu	3.000
Number 2 coke plant boiler house, boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house, boiler number 8	0.011 lbs/MMBtu	2.61

Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill, reheat furnaces **(four** (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill, waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill, waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill, batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill, continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill, continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1

(e) The following opacity limits shall be complied with and shall take precedence over those in 326 IAC 5-1-2 with which they conflict:

Source	Opacity
~~EAST CHICAGO INCINERATOR~~	~~10%, 6 minute average~~
INLAND STEEL	
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average
LTV STEEL CORPORATION	
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average
USS) Gary Works	
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (**two** (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

(f) Test methods for this section shall be as follows:

(1) Emissions of PM_{10} shall be measured by any of the following methods:

(A) 40 CFR 51, Appendix M, Method 201*.

(B) 40 CFR 51, Appendix M, Method 201A*.

(C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(2) Emissions for TSP matter shall be measured by the following methods:

(A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight degrees Fahrenheit (248EF) (±25EF).

(B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8*.

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:

(A) A heated Method 5 out of stack filter shall be used instead of an in-stack filter.

(B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of **one hundred sixty-seven and one-tenth** (167.1) lbs/hr, and the front half catch is less than or equal to the mass concentration limit of **sixty-five thousandths** (0.065) gr/dscf in subsection (d).

(g) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

(1) Coke battery underfire stacks at USS.

(2) LTV: basic oxygen furnace precipitator main stack.

(3) USS: numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of ~~any such~~ **the** petition.

(h) The following combustion sources shall fire natural gas only:

Source	Units	lbs/hr
(1) ~~ADVANCED ALUMINUM PRODUCTS~~ **JUPITER ALUMINUM CORPORATION**		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) ~~AMERICAN CAN~~ **SILGAN CONTAINERS MANUFACTURING CORPORATION**		
Stack serving basecoat ovens **(six** (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens **(five** (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023

North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY)HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) AMOCO OIL, WHITING REFINERY		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) ~~CERTIFIED CONCRETE INC.~~ **SMITH READY MIX**		
Stack serving **two** (2) boiler units	0.003 lbs/MMBtu	0.035
(7) ~~COMMONWEALTH EDISON COMPANY~~ **STATE LINE ENERGY, LLC**		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house **(one** (1) unit)	0.003 lbs/MMBtu	0.100
(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND ~~LEAD)HALOX PLANT~~ **GROUP, INC. (HGI)**		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND ~~LEAD)HALSTAB PLANT~~ **GROUP, INC.–HALSTAB DIVISION**		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) ~~LEVER BROTHERS~~ **UNILEVER HPC, USA**		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCo)MITCHELL		
~~Each stack serving unit numbers~~ **Number** 9A ~~9B, and 9C~~ gas ~~turbines~~ **turbine**	0.003 lbs/MMBtu	0.660
~~(17) STANDARD FORGINGS~~		
~~Salem rotary furnace~~	~~0.003 lbs/MMBtu~~	~~0.120~~
~~Stack serving heat treat furnaces (3 units)~~	~~0.003 lbs/MMBtu~~	~~0.080~~
~~(18) UNION CARBIDE~~ **(17) PRAXAIR**		
Package boilers **(two** (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097

~~(19)~~ **(18)** UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
~~(20)~~ **(19)** U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
~~(21) U.S. REDUCTION COMPANY~~		
~~Preheat melting pot exhaust~~	~~0.003 lbs/MMBtu~~	~~0.090~~
~~(22)~~ **(20)** USS)Gary Works		
Electrogalvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house, boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house, boiler number 2	0.003 lbs/MMBtu	0.385
Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill, car bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, car bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

(k) This subsection lists site-specific control requirements. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to ~~the~~ U.S. EPA prior to December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this rule. The sources listed shall meet the requirements as follows:

(1) The following for Cerestar USA, Incorporated: ~~formerly known as American Maize:~~

(A) Starch dryer number 1 shall be permanently shut down by December 31, 1993.

(B) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.

(C) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.

(D) After December 10, 1993, Cerestar USA, Incorporated ~~formerly known as American Maize~~ shall achieve compliance with the respective limits in subsection (d). The following mass emission limits shall be applicable until December 10, 1993:

Process	Units	Emission Limit
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber	0.086 lbs/ton	8.69 TSP

(2) American Steel Foundry)Hammond. The PM_{10} mass emission limit in subsection (d) for coil spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295, and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the existing control equipment with higher efficiency control equipment to comply with emission limits specified in subsection (d).

(3) ~~Commonwealth Edison Company.~~ **State Line Energy, LLC.** Units 3 and 4 shall comply with:

(A) a thirty percent (30%), six (6) minute average opacity limit until December 31, 1992;

(B) a twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993; and

(C) a twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(4) Hammond ~~Lead Products~~ **Group, Inc. (HGI)**)Halox plant. The stack heights of stacks 17-S-25 and 17-S-40 shall be raised to twenty-one and three-tenths (21.3) meters above grade by December 10, 1993.

(5) The following for Inland Steel:

(A) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(B) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.

(C) Number 10 coke battery. After the shutdown of the number 8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(D) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of section 10.2 of this rule with the following exceptions:

(i) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.

(ii) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.

(iii) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(E) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(F) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(G) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(H) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in subsection (e). Prior to December 31, 1994, Inland Steel shall do the following:

(i) Perform tests according to procedures developed in consultation with the department to establish process and control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood and/or duct used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(ii) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(iii) Record the start time and duration of charging, tapping, and refining of each heat.

(I) After December 31, 1994, the sources shall comply with the respective limits contained in subsection (d). The following mass emission limits will be applicable until December 31, 1994:

Inland Steel Processes	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.29 lbs/MMBtu	12.95
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.031 lbs/MMBtu	9.190
Number 3AC station boiler numbers 301 through 304	0.023 lbs/MMBtu	20.45
Number 3AC station boiler number 305	0.023 lbs/MMBtu	6.82

(6) The following for LTV Steel Corporation:

(A) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), except for one (1) three (3) minute average per hour.

(B) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(7) NIPSCo)Mitchell. Units 5 and 6 shall comply with the following:

(A) Thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(B) Twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(C) Twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(8) The following for USS)Gary Works:

(A) Numbers 15 and 16 coke batteries. The coke batteries and all associated operations shall not operate after the effective date of this section.

(B) Number 13 blast furnace casthouse roof monitor. The twenty percent (20%), six (6) minute average opacity standard shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the blast furnace casthouse shall comply with a thirty percent (30%) opacity, six (6) minute rolling average standard.

(C) Number 1 basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1996, and shall be maintained thereafter. Prior to December 31, 1996, the following opacity standards shall apply:

(i) Prior to January 1, 1995, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of six (6) minutes per hour. Twenty-four (24) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a six (6) minute aggregate.

(ii) For the period of January 1, 1995, through December 31, 1995, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of six (6) minutes per hour.

(iii) For the period of January 1, 1996, through December 30, 1996, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of five (5) minutes per hour. Twenty (20) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a five (5) minute aggregate.

(D) Number 2 QBOP facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of eight (8) minutes per hour. Thirty-two (32) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered an eight (8) minute aggregate.

(E) Number 2 coke plant boilers. Only four (4) of the number 2 coke plant boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.

(F) Eighty-four (84) inch hot strip mill. Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven ~~(477)~~ million **(477,000,000)** British thermal units per hour for waste heat boiler number 1 and furnace numbers 1 and 2 combined and a total of five hundred seven ~~(507)~~ million **(507,000,000)** British thermal units per hour for waste heat boiler 2 and furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. A total actual heat input shall not exceed four hundred forty ~~(440)~~ million **(440,000,000)** British thermal units per hour for each furnace, one hundred seventy ~~(170)~~ million **(170,000,000)** British thermal units per hour for waste heat boiler number 1, and two hundred ~~(200)~~ million **(200,000,000)** British thermal units per hour for waste heat boiler number 2.

(G) Only two (2) of the three (3) sinter lines shall operate at any one (1) time. For each line, USS)Gary Works shall maintain the following records in regard to the sinter plant operation:

(i) Startup and shutdown time.

(ii) Average hourly production rate.

(iii) The cause of any malfunction and the correction taken.

(H) Number 2 coke plant boiler house boilers numbers 4, 5, and 6. A ninety (90) day written notice shall be given to the department and ~~the~~ U.S. EPA in the event of switching fuels from gas to coal. In addition, continuous opacity emission monitors must be installed prior to the fuel switch.

(I) Beach iron dumping and process vessel maintenance activities subject to subsection (p)(3)(F)(i) and (p)(3)(F)(ii) shall comply with the applicable twenty percent (20%) opacity limitation no later than December 31, 1994. The schedule for compliance submitted by December 10, 1993, shall establish milestones that achieve final compliance as soon as practical, but no later than December 31, 1994.

(J) Number 5 quench tower will comply with the ninety-five percent (95%) baffle requirement under section 10.2(c)(7)(F) of this rule no later than December 10, 1993.

~~(9) East Chicago Incinerator. The source shall comply with the mass emission limit in subsection (d) and the opacity limit in subsection (c) upon the schedule specified as a permit condition by the construction permit number CP 089-1744, ID 089-00309, issued by the department. These limits are in addition to complying with the requirements of the permit related to process and control equipment monitoring, compliance testing, stack continuous opacity monitoring, and other operating and maintenance requirements. Prior to the compli-~~

~~ance date in this subdivision, the source shall comply with a mass emission limit of seventy-one hundredths (0.71) lbs of TSP/ton of raw material and a thirty percent (30%), six (6) minute average opacity limit.~~

(l) The continuous compliance plan (CCP) for sources listed in subdivisions (1) through ~~(26),~~ **(21)** shall contain information on the facilities included in subsections (d) and (e). The following sources shall submit a CCP to the department by December 10, 1993:

~~(1) Cerestar USA, Incorporated, formerly known as American Maize Products~~.
~~(2)~~ **(1)** American Steel ~~Foundry~~ **Foundries**)East Chicago.
~~(3)~~ **(2)** American Steel Foundry)Hammond.
~~(4)~~ **(3)** Amoco Oil Company.
~~(5) Atlas Blacktop.~~
~~(6)~~ **(4)** Bucko Construction.
~~(7) Commonwealth Edison Company.~~
~~(8) East Chicago Incinerator.~~
~~(9) General Refractory.~~
(5) Cerestar USA, Incorporated.
~~(10)~~ **(6)** Globe Industries.
~~(11)~~ **(7)** Hammond ~~Lead Products)Halox, Halstab, and Lead.~~ **Group, Inc. (HGI).**
~~(12)~~ **(8)** Harbison Walker **Refractories, Hammond Works.**
~~(13)~~ **(9)** Inland Steel.
~~(14)~~ **(10)** LTV Steel Corporation.
~~(15) Lehigh Portland Cement.~~
~~(16) Lever Brothers.~~
~~(17)~~ **(11)** Marblehead Lime Company.
~~(18)~~ **(12)** Marport Smelting.
~~(19)~~ **(13)** National Recovery Systems.
~~(20)~~ **(14)** NIPSCo)Mitchell.
~~(21)~~ **(15)** Reed Minerals.
~~(22) Rhone Poulenc~~ **(16) Rhodia, Inc**.
(17) State Line Energy, LLC.
(18) Unilever HPC, USA.
~~(23)~~ **(19)** U.S. Gypsum Company.
~~(24) U.S. Reduction Company.~~
~~(25)~~ **(20)** USS)Gary Works.
~~(26)~~ **(21)** A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five ~~(25)~~ million **(25,000,000)** British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM_{10} emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM_{10} emissions shall be estimated with AP-42, "Compilation of Air Pollutant Emission Factors, Volume I, (Stationary Point and Area Sources)", ~~4th~~ **Fifth** Edition, ~~September 1985, (and succeeding amendments)**~~ **January 1995**, Supplements A through G, December 2000**** emission factors or other documentable emission factors acceptable to the commissioner **and U.S. EPA.**

(C) Each facility, not **otherwise** required to submit a CCP in accordance with this subsection, with uncontrolled PM_{10} or TSP emissions ~~which~~ **that** may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or other documentable emission factors acceptable to the commissioner **and U.S. EPA.**

(m) The CCP shall contain, for the facilities specified in subsection (l), documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by subsection (k) that are essential to maintaining compliance with the mass and opacity limits specified in subsections (d) and (e) and 326 IAC 5-1.

(n) The CCP shall include the following:
(1) A list of the processes and facilities at the source.
(2) A list of the particulate matter control equipment associated with the processes and facilities listed in subsection (l).
(3) The process operating parameters critical to continuous compliance with the applicable PM_{10} or TSP mass and opacity limits, including applicable specific requirements listed in subsection (p).
(4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM_{10} or TSP mass and opacity including applicable requirements listed in subsection (q).
(5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).
(6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(o) A CCP for a source to which subsection (k) applies shall contain a schedule for complying with the requirements of subsection (k). The schedule shall list specific compliance dates for the following actions:
(1) Submittal of plans.
(2) Start of construction.
(3) Completion of construction.
(4) Achieving compliance.
(5) Performing compliance tests.
(6) Submitting compliance test results.

(p) A source or facility to which subsection (l) applies **and** which belongs to any source category listed in this subsection

shall include the following information **or** applicable procedures, or commit to the following actions, in its CCP:

(1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.

(2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.

(3) Steel mill CCPs shall include, as a minimum, the following:

(A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices **used** to control particulate emissions from each phase of the steel production cycle, including the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

(v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.

(vi) Describe practices that reduce PM_{10} and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) The hood and ductwork for the presence of holes.

(EE) Ductwork for accumulation of dust.

(FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(B) Electric arc furnace, including the following:

(i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:

(AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and

(BB) the location of other processes within the facility that have potential to generate emissions, such as casting and ladle repair.

(ii) Describe the procedure for recording the following:

(AA) Time of furnace charging, furnace melting, and furnace refining.

(BB) Tapping start and stop times.

(CC) Charge weight for each heat.

(DD) Tap weight for each heat.

(iii) At least monthly, inspect the operational status of the following elements of the capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

(EE) Ductwork for accumulation of dust.

(FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.

(vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

(i) Describe procedures, including frequency, for inspection of the following elements of a capture system:
(AA) Pressure sensors.
(BB) Dampers.
(CC) Damper switches.
(DD) Hood and ductwork for the presence of holes.
Maintain records of the maintenance and any repairs made.
(ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
(iii) Describe any fume suppression system, including the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.
(iv) Describe the record keeping for the following elements of the iron production cycle:
(AA) Time of hole drilling.
(BB) Time of tapping.
(CC) Time of hole plugging.
(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:
(AA) Tuyres.
(BB) Bleeder valves.
(CC) Large and small bells.
(DD) Uptakes and downcomers (to minimize backdrafting).
(EE) Standby devices.
(vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, such as dust catchers and scrubbing equipment to assure operation within design parameters.
(D) Sinter production shall comply with the following:
(i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.
(ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including the following:
(AA) Points of wear.
(BB) Distorted grate bars.
(CC) Leaking machine seals.
(DD) Holes in ducts.
(EE) Holes in flapper valves.
(iii) Describe procedures for monitoring mechanical and electrical inspection records.
(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
(v) Describe procedures for monitoring burden parameters, including base to acid ratio and hydrocarbon content.
(vi) Describe the routine for plant operation during equipment failure, such as screening station failure.
(vii) At least monthly, inspect the operational status of the following elements of the capture system:
(AA) Pressure sensors.
(BB) Dampers.
(CC) Damper switches.
(DD) Hood and ductwork for the presence of holes.
(EE) Ductwork for accumulation of dust.
(FF) Fans for erosion.
Maintain records of the inspections and any repairs.
(E) Coke production shall comply with the following:
(i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including quench water dissolved solids control. The documentation shall include the following operating practices:
(AA) Use of jumper pipe during charging.
(BB) Procedure for worker's coordination, training, and communication.
(CC) Luting material used.
(DD) Periodic engineering evaluations to determine improvements needed.
(EE) Aspiration practices during charging, including aspiration rate and adjustment.
(ii) Describe the routinely available inventory of spare parts and equipment, including luting compounds, doors, and mobile scrubber cars.
(F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:
(i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
(ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
(iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
(G) Visible emission evaluation plans shall comply with the following:

(i) Within sixty (60) days of the effective date of this section, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and offtakes, doors, standpipes, and gas collector mains at coke production operations and lime plants.

(ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, **then** the plan shall include the basis for less frequent evaluations.

(iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.

(iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.

(v) The plan may be revised with department approval at any time.

(4) Fuel combustion boilers, as described in subsection (l)(26)(A), shall comply as follows:

(A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources this section applies to.

(B) Affected sources shall maintain records of the following information:

(i) Operational status of each facility for each day.

(ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.

(iii) The TSP or PM_{10} emission factors for each type of fuel to be used as estimated by the AP-42 or stack test method.

(iv) The method used to monitor the fuel amount and heat content in addition to the frequency.

(v) The control efficiency of the particulate control device and the method of determination.

(vi) Average daily PM_{10} emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.

(C) The following guidance may be used to estimate emissions:

(i) For heat content, **AP-42, Volume 1, Appendix A,** Table A-3, "Typical Parameters of Various Fuels" ~~AP-42, Volume 1, Fourth~~ **Fifth** Edition, ~~September 1985** or the latest edition.~~ **January 1995**, Supplements A through G, December 2000***.**

(ii) For emission factors (TSP or PM_{10}), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants"****.

(iii) For control equipment efficiency, manufacturer's warranty or as determined by source.

(iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

(q) This subsection concerns particulate matter control equipment operation and maintenance requirements. A CCP shall provide that the following control equipment related information will be maintained at the source's property and will be available for inspection by department personnel:

(1) Startup, shutdown, and emergency shutdown procedures.

(2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.

(3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.

(4) Contents of the operator's training program and the frequency with which the training is held.

(5) A list of spare parts available at the facility.

(6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.

(7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

(r) Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

(1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:

(i) Pressure drop across the baghouse.

(ii) Gas flow rate at baghouse inlet.

(iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation, and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including such information as intensity, duration, frequency, and method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

(i) Daily inspections shall include the following:
(AA) Pressure drop.
(BB) Fan amperage.
(CC) Cleaning cycle.
(DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
(EE) Dust discharge equipment for proper operation.
(FF) General check for abnormal audible and visual conditions.
(ii) Weekly inspections of the following:
(AA) Moving parts on discharge system.
(BB) Bypass and isolation damper operation.
(CC) Bag tension.
(DD) Compressed air lines, oilers, and filters.
(EE) Manometer lines.
(FF) Temperature indicating equipment.
(GG) Bag cleaning sequence.
(HH) Drive components on fans.
(iii) Monthly inspections of the following:
(AA) Bag seating condition.
(BB) Moving parts on shaker baghouses.
(CC) Fan corrosion and blade wear.
(DD) Hoses and clamps.
(EE) Bags for leaks and holes.
(FF) Bag housing for corrosion.
(iv) Quarterly inspections of the following:
(AA) Bags.
(BB) Ducts for dust build-up.
(CC) Damper valves for proper setting.
(DD) Door gaskets.
(EE) Baffle plate for wear.
(v) Annual inspection of the following:
(AA) Welds and bolts.
(BB) Hoppers for wear.
(CC) Cleaning parts for wear.

(2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:
(i) Gas flow rate.
(ii) Temperature.
(iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
(iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.

(B) ESP inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule ~~must~~ **shall** be approved by the department. Inspections shall include the following:
(i) Daily inspection of the following:
(AA) Fan amperage.
(BB) Temperature.
(CC) Gas conditioning agent flow rate or resistivity.
(DD) Electrical readings for values outside the operating range.
(EE) Hoppers and dust discharge system for proper operation.
(FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.
Corrective actions taken, if any, shall be recorded.
(ii) Weekly inspection of the following or as per manufacturer's recommendations:
(AA) Rapper operation.
(BB) Control set interiors.
(iii) Monthly inspection of the following:
(AA) Fans for noise and vibration.
(BB) Hopper heaters.
(CC) Hopper level alarm operation.
(iv) Quarterly inspection of the following:
(AA) Check rapper and vibrator switch contacts.
(BB) Access door dog bolt and hinges.
(CC) Interlock covers.
(DD) Test connectors.
(EE) Exterior for visual signs of deterioration.
(FF) Abnormal vibration, noise, and leaks.
(v) Semiannual inspection of the following, or as per manufacturer's recommendations:
(AA) T-R liquid and surge arrestor spark gap.
(BB) Conduct internal inspection.
(CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.
(vi) Annual inspection of the following:
(AA) Tightness of all electrical connections.
(BB) Operation of switchgear.
(CC) Rapper insulator connections.
(DD) Observe and record areas of corrosion.

(3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), such as the following:

(A) Operating parameters, such as the following:
(i) Gas flow rate.
(ii) Inlet and outlet temperatures of gas to and from scrubber.
(iii) Liquid flow rate to scrubber.
(iv) Pressure drop across scrubber.
(v) pH of liquid to scrubber.
(vi) Fan and pump currents.
A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.

(B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule ~~must~~ **shall** be approved by the department. Inspections shall include the following:

(i) Daily inspection of the following:

(AA) Scrubbing liquid flow rates to scrubber.

(BB) Pressure drop across scrubber.

(CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

(ii) Monthly inspection of the following:

(AA) Seals for abrasion.

(BB) Corrosion and leaks.

(CC) Fans for abrasion, corrosion, and solids build-up.

(DD) Pipes for abrasion, corrosion, and plugging.

(EE) Throat wear in the venturi scrubber.

(FF) Sensors, alarm systems, and bypass devices for proper operation.

(GG) Entrainment separator for blockage.

(HH) Spray nozzles for plugging or excessive wear.

(s) The department shall review the CCP. The department may at any time request, in writing, any of the following:

(1) A CCP ~~to be~~ revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.

(2) A compliance test ~~to be~~ conducted with the compliance test methods specified in this section if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure continuous compliance with applicable mass and opacity limits.

(t) The source shall respond, in writing, within thirty (30) days of a request per subsection (s). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(u) The source shall update the CCP, as needed, retain a copy of any changes and updates to the CCP on the property, and make the updated CCP available for inspection by the department. The source shall submit the updated CCP, if required, to the department within thirty (30) days of the update.

(v) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of this section. Failure to respond to a request by the department under subsection (s) is a violation of this section. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, ~~both~~ the findings of noncompliance of **both** the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of this section, based either on a compliance test performed by the source or by observations or tests conducted by the department, is a violation of this section.

~~*Copies of the Code of Federal Regulations have been~~ ***The following are** incorporated by reference: ~~and~~ **40 CFR 51, Appendix M, Methods 201, 201A, and 202; 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, 5, 5A, 5D, 5E, 8, 9, and 17. Copies** are available from the ~~Superintendent of Documents,~~ Government Printing Office, **732 North Capitol Avenue NW,** Washington, D.C. ~~20402~~ **20401** or **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air ~~Management.~~ **Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

~~**Copies of~~ **/***AP-42 and supplements **A through G** are **incorporated by reference and are** available for purchase from the ~~U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711~~ **Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401** or ~~can be reviewed~~ **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management,~~ **Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

~~***Copies of the EPA guidance documents are~~ ****EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is** available from ~~the~~ U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air ~~Management.~~ **Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30*

a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716)

SECTION 11. 326 IAC 6-1-11.1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-11.1 Lake County fugitive particulate matter control requirements

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

Sec. 11.1. (a) This section applies to the following:

(1) Facilities and operations at a source having the potential to emit five (5) tons per year fugitive particulate matter into the atmosphere in Lake County:

(A) Paved roads and parking lots.

(B) Unpaved roads and parking lots.

(C) Material transfer.

(D) Wind erosion from storage piles and exposed areas.

(E) Material transportation activities.

(F) Material processing facilities with capacity equal to or greater than ten (10) tons per hour. The mass and opacity limits for emissions in this section are not applicable to such facilities specifically listed in section 10.1 of this rule. However, fugitive emissions from such facilities are subject to this section.

(G) Dust handling equipment.

(H) Any other facility or operation with a potential to emit fugitive particulate matter and not included in this subsection.

(2) The following sources located in Lake County:

~~(A) A. Metz~~.
~~(B)~~ **(A)** Amoco Oil, Whiting Refinery.
~~(C)~~ **(B)** Beemsterboer Slag & Ballast Corporation.
~~(D) Breslube U.S.A.~~
~~(E)~~ **(C)** Bucko Construction.
~~(F) Caine Steel.~~
~~(G) Commonwealth Edison Company.~~
~~(H)~~ **(D)** Dietrich Industries.
(E) Equilon Enterprises, LLC.
~~(I)~~ **(F)** General Transportation.
~~(J)~~ **(G)** Great Lakes Industrial Center.
~~(K) Illiana Warehousing.~~
~~(L)~~ **(H)** Industrial Scrap.
~~(M)~~ **(I)** Inland Steel Corporation.
~~(N) Lehigh Portland Cement.~~
~~(O)~~ **(J)** LTV Steel Corporation.
~~(P)~~ **(K)** Marblehead Lime Company.
(L) Matlack Bulk Intermodal Services.
~~(Q)~~ **(M)** Mid Continental Coal & Coke Company.
~~(R)~~ **(N)** NIPSCo)Mitchell.
~~(S)~~ **(O)** Ozinga Brothers.
(P) Praxair, Linde SP Gas.
(Q) Praxair, Oxygen Plant.
~~(T)~~ **(R)** Reed Minerals.
(S) Safety-Kleen Corporation.
(T) State Line Energy, LLC.
~~(U) Shell Oil.~~
~~(V) Union Carbide, Linde SP Gas.~~
~~(W) Union Carbide, Oxygen Plant~~.
~~(X)~~ **(U)** Union Tank Car Co.
~~(Y)~~ **(V)** USS)Gary Works.
~~(Z)~~ **(W)** Wolf Lake ~~Terminal.~~ **Terminals, Inc.**
~~(AA) X Rail Systems.~~

(3) New sources required to be registered or permitted under 326 IAC 2-5.1, with total uncontrolled PM_{10} fugitive particulate matter emissions equal to or greater than five (5) tons per year.

(4) The independent contractors, companies, and corporations performing byproduct processing recycling activities, waste disposal, or any other activities that may result in uncontrolled PM_{10} emissions of five (5) tons per year or more.

(5) Any subsequent owner or operator of a source or facility covered by this subsection.

(b) The amount of uncontrolled PM_{10} emissions emitted from a facility or source shall be determined by applying the method contained in "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42, ~~Fourth~~ **Fifth** Edition, ~~September 1985*.~~ **January 1995*, Supplements A through G, December 2000**.**

(c) The following definitions apply throughout this section:

(1) "Affected facilities" means the sources of fugitive emissions listed in subsection (a).

(2) "Batch transfer" means transfer of material onto or out of storage piles by front end loaders, trucks, or cranes.

(3) "Capacity" means the sum of all throughputs to the first introduction point of all the processing lines on a plant property.

(4) "Capture system" means the equipment used to capture and transport particulate matter generated by one (1) or more process equipment to a control device, including enclosures, hoods, ducts, fans, and dampers.

(5) "Continuous transfer" means transfer of material onto or out of storage piles by conveyor.

(6) "Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere.

(7) "Dust handling equipment" means the equipment used to handle dust collected by control equipment, such as, but not limited to, a conveyor used to transfer dust from a control equipment hopper to a temporary storage container. A truck is an example of a temporary storage container. Both a conveyor and temporary storage container, in this case, are dust handling equipment.

(8) "Exposed areas" means unused areas on plant property that cannot be defined as a paved or unpaved road or parking lot, storage pile, or associated area that have the potential to emit particulate emissions by wind action.

(9) "Fugitive particulate matter" means any particulate matter emitted into the atmosphere other than through a stack.
(10) "Inplant transportation" means transportation of material on plant transportation routes, such as railroads and plant roads, in equipment such as trucks, railroad cars, front end loaders, conveyors, and skip hoists. The inplant transportation might be from one (1) process to another, from process equipment to waste disposal and reclamation sites, or from one (1) storage pile to another. This includes, for example, hauling of slag from slag pits to the slag processing facility on the plant property.
(11) "Material" means raw process material, byproduct, intermediate product, waste product, final product, and dust collected by control equipment, having proportion of loose, dry dust equal to or greater than five-tenths percent (0.5%) as measured by the ASTM C-136 method***, having potential to emit particulate emissions when disturbed by transfer, processing, and transportation activities defined in this section. Material may include the following:
(A) Sand.
(B) Limestone.
(C) Coal.
(D) Gypsum.
(E) Slag.
(F) Gravel.
(G) Clay.
(H) Cement.
(I) Ores.
(J) Grain.
(12) "Material processing facilities" means the equipment, or the combination of different types of equipment, used to process material for use in the plant or for commercial sale. The following sources are examples of these types of facilities:
(A) Power generation plants.
(B) Portland cement manufacturing plants.
(C) Asphalt concrete manufacturing plants.
(D) Concrete manufacturing plants.
(E) Lime manufacturing plants.
(F) Iron and steel manufacturing plants, which include blast furnaces and basic oxygen furnaces.
(G) Sinter plants.
(H) Coal and coke preparation plants.
(I) Slag processing plants.
(J) Brick manufacturing plants.
(K) Grain processing elevators.
(L) Food and feed manufacturing plants.
Equipment includes initial crusher, screen, grinder, mixer, dryer, belt conveyor, bucket elevator, bagging operation, storage bin, and truck or railroad car loading station.
(13) "Material transfer" means the transfer of material:
(A) from process equipment onto the ground;
(B) from the ground into hauling equipment;
(C) from hauling equipment onto a storage pile;
(D) from a storage pile into hauling equipment for transport; or
(E) into an initial hopper for further processing.
Dumping of slag from blast furnaces or basic oxygen furnaces into the slag pits and subsequent transfer to the hauling vehicle and initial hopper at the slag processing facility is an example of material transfer.
(14) "Paved road" means an asphalt or concrete surfaced thoroughfare or right-of-way designed or used for vehicular traffic.
(15) "Processing line" means material processing equipment connected by a conveying system. This does not include transfer from a conveyor to a storage pile.
(16) "Silt content" means the mass of an aggregate sample smaller than seventy-five (75) microns in diameter as determined by dry sieving. Silt content may be determined by using the procedures in AP-42, ~~Supplement,~~ "Silt Analysis", ~~Procedures",~~ Appendix ~~C-3, September~~ ~~1988*.~~ **C.2.3, Fifth Edition, January 1995*, Supplements A through G, December 2000**.**
(17) "Stack emissions" means the particulate matter that is released to the atmosphere from a confined opening like the exit of a control device or a chimney.
(18) "Storage pile" means any outdoor storage on a source's property of material as defined in subdivision (11).
(19) "Surface silt loading" means the mass of loose surface dust on a paved road, per length of road, as determined by dry vacuuming. Surface silt loading may be determined by using the procedures specified in ~~the U.S. EPA guideline document U.S. EPA 600/2-79-103,~~ "Iron and Steel Plant Open Source Fugitive Emission Evaluation", **EPA 600/2-79-103,** Appendix B**.
(20) "Transfer point" means a point in a conveying operation where the material is transferred to or from a belt conveyor, except where the material is being transferred to a storage pile.
(21) "Unpaved road" means a thoroughfare or right-of-way other than a paved road designed or used for vehicular traffic.
(22) "Vent" means an opening through which there is mechanically induced airflow for the purpose of exhausting air carrying particulate matter emissions from one (1) or more items of material processing equipment from a building.

(d) The following are particulate matter emission limitations:
(1) Paved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%). A source shall implement the control measures specified by subsection (e)(3)(F) within twenty-four (24) hours after notification by the department or ~~the~~ U.S. EPA of violating the average instantaneous opacity limit. A violation of the instantaneous average opacity limits in this subsection is a violation of this rule. In addition, when requested by the department or ~~the~~ U.S. EPA, after an exceedance of the opacity limit is observed by a representative of either agency, the source shall initiate a compliance check with the surface silt loading limit. The department may require a revision of the control plan under subsection (e)(8), if the test shows an exceedance of the surface silt loading limit. The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four

(4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(A) The first ~~will~~ **shall** be taken at the time of emission generation.

(B) The second ~~will~~ **shall** be taken five (5) seconds later.

(C) The third ~~will~~ **shall** be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(2) Unpaved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%). The department may request a revision of the control plan pursuant to subsection (e)(8), if an observation shows an exceedance of the average instantaneous opacity limit. This revision may be in lieu of, or in addition to, pursuing an enforcement action for a violation of the limit. Average instantaneous opacity shall be determined according to the procedure described in subdivision (1). The fugitive particulate emissions from unpaved roads shall be controlled by the implementation of a work program and work practice under the control plan required in subsection (e).

(3) Material transfer limits shall be as follows:

(A) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%). The average instantaneous opacity shall consist of the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) batch loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume.

(B) Where adequate wetting of the material for fugitive particulate emissions control is prohibitive to further processing or reuse of the material, the opacity shall not exceed ten percent (10%) three (3) minute average. This includes material transfer to the initial hopper of a material processing facility as defined in subsection (c) or material transfer for transportation within or outside the source property including, but not limited to, the following:

(i) Transfer of slag product for use by asphalt plants:

(AA) from a storage pile to a front end loader; and

(BB) from a front end loader to a truck.

(ii) Transfer of sinter blend for use at the sinter plant:

(AA) from a storage pile to a front end loader;

(BB) from a front end loader to a truck; and

(CC) from a truck to the initial processing point.

(iii) Transfer of coal for use at a coal processing line:

(AA) from a storage pile to a front end loader; and

(BB) from a front end loader to the initial hopper of a coal processing line.

Compliance with any operation lasting less than three (3) minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

(C) Slag and kish handling activities at integrated iron and steel plants shall comply with the following particulate emissions limits:

(i) The opacity of fugitive particulate emissions from transfer from pots and trucks into pits shall not exceed twenty percent (20%) on a six (6) minute average.

(ii) The opacity of fugitive particulate emissions from transfer from pits into front end loaders and from transfer from front end loaders into trucks shall comply with the fugitive particulate emission limits in subdivision (9).

(4) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9***. The opacity readings shall be taken at least four (4) feet from the point of origin.

(5) Wind erosion from storage piles and exposed areas. The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average. These limitations may not apply during periods when application of fugitive particulate control measures are either ineffective or unreasonable due to sustained very high wind speeds. During such periods, the company must continue to implement all reasonable fugitive particulate control measures and maintain records documenting the application of measures and the basis for a claim that meeting the opacity limitation was not reasonable given prevailing wind conditions. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9***, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. The opacity of fugitive particulate emissions from exposed areas shall not exceed ten percent (10%) on a six (6) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9***.

(6) Material transportation activities shall include the following:

(A) There shall be a zero (0) percent frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time. Material transported by truck or rail that is enclosed and covered shall be considered in compliance with the inplant transportation requirement. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 22***, except that the observation shall be taken at approximately right angles to the prevailing wind from the leeward side of the truck or railroad car.

(B) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and

skip hoists shall not exceed ten percent (10%). Compliance with this limitation shall be determined by the average of three (3) opacity readings taken at five (5) second intervals. The three (3) opacity readings shall be taken as follows:

(i) The first ~~will~~ **shall** be taken at the time of emission generation.

(ii) The second ~~will~~ **shall** be taken five (5) seconds later.

(iii) The third ~~will~~ **shall** be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet from the plume approximately and at right angles to the plume. Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(7) Material processing facilities shall include the following:

(A) The PM_{10} stack emissions from a material processing facility shall not exceed twenty-two thousandths (0.022) ~~grains~~ **grain** per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration limitation shall be determined using the test methods found in section 10.1(f) of this rule. Compliance with the opacity limitation shall be determined by 40 CFR 60, Appendix A, Method 9***.

(B) The opacity of fugitive particulate emissions from a material processing facility, except crusher at which a capture system is not used, shall not exceed ten percent (10%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9***.

(C) The opacity of fugitive particulate emissions from a crusher at which a capture system is not used shall not exceed fifteen percent (15%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9***.

(D) There shall be a zero (0) percent frequency of visible emission observations from a building enclosing all or a part of the material processing equipment, except from a vent in the building. Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 22***.

(E) The PM_{10} emissions from building vents shall not exceed twenty-two thousandths (0.022) ~~grains~~ **grain** per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration standard shall be determined by 40 CFR 60, Appendix A, Method 5 or 17, and with the opacity standard by 40 CFR 60, Appendix A, Method 9***.

(8) Dust handling equipment. The opacity of particulate emissions from dust handling equipment shall not exceed ten percent (10%). Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 9***.

(9) Any facility or operation not specified in this subsection shall meet a twenty percent (20%), three (3) minute opacity standard. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9***, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals. Compliance of any operation lasting less than three (3) minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

(e) Control plans shall include the following:

(1) Within six (6) months of the effective date of this section, a source to which this section applies shall submit a control plan which, when fully implemented, will achieve compliance with the applicable emission limitations stated in subsection (d). Failure to submit a control plan in accordance with this section shall be considered a violation of this rule. A control plan shall also be included as part of a construction permit application pursuant to 326 IAC 2-5.1.

(2) A control plan, upon submittal to the department, shall become part of a source's operating permit or registration conditions.

(3) The following information:

(A) The name and address of the source and location, if the source is located on another source's property.

(B) The name and address, if different from that of the source, of the owner or operator responsible for the execution of the plan.

(C) Identification of the facilities or operations listed in subsection (a)(1) and those affected by section 10.1 of this rule that exist at the source.

(D) A map showing the location of all unpaved roads, paved roads, parking lots, storage piles, material processing facilities, dust handling equipment, material transfer points, and waste disposal and reclamation sites.

(E) A full description of the facilities on the map, including the following information, where applicable:

(i) The road lengths and widths, average daily traffic, surface silt loading, classification of vehicle traffic, and other data necessary to estimate PM_{10} emissions from paved and unpaved roads and parking lots.

(ii) A description of each storage pile, including the type of material in the pile, its moisture content, the silt content, the throughput, and the equipment used to load onto and load out of the storage piles.

(iii) A complete description of the material processing facilities on the plant property, including a material flow diagram of the processing lines, the rated capacity of each piece of equipment, and the existing control equipment and their efficiencies, including the process equipment served.

(iv) A complete description of the material transfer, inplant transportation, and dust handling equipment. Material transfer operations shall include, at a minimum, those operations contained in subsection (c)(13).

(v) A complete description of all other fugitive particulate matter emitting facilities not covered in this clause.

(F) The description of the proposed control measures and practices that the source will employ to achieve compliance with the emission limitations and data that prove its effectiveness.

(G) A list of the conditions that will prevent control measures and practices from being applied and alternative control practices and measures that will achieve compliance with the emission limitations.

(H) A schedule for achieving compliance with the provisions of the control plan. The schedule shall specify the time required to award necessary contracts and the time required to begin and complete construction and installation. Final compliance shall be achieved no later than December 10, 1993.

(4) The source shall keep the following documentation to show compliance with each of its control measures and control practices:

(A) A map or diagram showing the location of all emission sources controlled, including the location, identification, length, and width of roadways.

(B) For each application of water or chemical solution to roadways, the following shall be recorded:

(i) The name and location of the roadway controlled.

(ii) Application rate.

(iii) Time of each application.

(iv) Width of each application.

(v) Identification of each method of application.

(vi) Total quantity of water or chemical used for each application.

(vii) For each application of chemical solution, the concentration and identity of the chemical.

(viii) The material data safety sheets for each chemical.

(C) For application of physical or chemical control agents not covered by clause (B), the following:

(i) The name of the agent.

(ii) Location of application.

(iii) Application rate.

(iv) Total quantity of agent used.

(v) If diluted, percent of concentration.

(vi) The material data safety sheets for each chemical.

(D) A log recording incidents when control measures were not used and a statement of explanation.

(E) Copies of all records required by this section shall be submitted to the department within twenty (20) working days of a written request by the department.

(F) The records required under this subdivision shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by department representatives during working hours.

(G) A quarterly report shall be submitted to the department stating the following:

(i) The dates any required control measures were not implemented.

(ii) A listing of those control measures.

(iii) The reasons that the control measures were not implemented.

(iv) Any corrective action taken.

This report shall be submitted to the department thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

(5) A source shall consult "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42 ~~Fourth~~ **Fifth** Edition, ~~September~~ ~~1985*~~ **January 1995*, Supplements A through G, December 2000**** and Control of Open Sources of Fugitive Dust, U.S. EPA, September 1988**** to determine the following:

(A) The information needed.

(B) The effectiveness of the applicable control practices and measures.

(6) A source listed under subsection (a)(2) shall be exempt from this section if it can demonstrate to the department that its uncontrolled PM_{10} emissions are less than five (5) tons per year. An exemption must be approved by both the department and by ~~the~~ U.S. EPA as a revision to the state implementation plan.

(7) The evaluation of a control plan by the department and U.S. EPA or a request for exemption from the requirement to submit a control plan shall be based on the following criteria:

(A) The completeness of the description of the affected facilities located on the plant property.

(B) The accuracy of the methods and procedures used to determine the applicability of the section.

(C) The completeness of the description of control measures and practices proposed by the source and any alternative control measures, and the accuracy of the data and calculations which document compliance with the emission limitations.

(D) The completeness of the data recording protocol for determining compliance with the control measures and practices.

(8) The department may require that a source revise its control plan if either of the following apply:

(A) A test of surface silt loading on a paved road shows that the loading is greater than one hundred (100) pounds per mile averaged over five (5) roads or five (5) road sections. The surface silt loading shall be determined using the sampling and analysis procedures in ~~the U.S. EPA guidance document EPA 600/2-79-103,~~ "Iron and Steel Plant Open Source Fugitive Emission Evaluation", Appendix B**, EPA 600/2-79-103****.

(B) The department's evaluation under subdivision (7) determines that the requirements of the control plan have not been met.

*/**/*****AP-42, Supplements A through G, and the following citations to the Code of Federal Regulations (CFR) are incorporated by reference: 40 CFR 60, Appendix A, Methods 5, 9, 17, and 22. Copies may be obtained from the Government Printing Office, 732 Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*****ASTM methods are incorporated by reference and may be obtained from the American Society of Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428 or are available for review and copying from the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

***\~~EPA guidance documents referred to in this rule~~ **"Control of Open Sources of Fugitive Dust", U.S. EPA, September 1988 and EPA 600/2-79-103, "Iron and Steel Plant Open Source Fugitive Emissin** *[sic., Emission]* **Evaluation, Appendix B" is incorporated by reference and** may be obtained from ~~the~~ U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or are available for **review and** copying from the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 6-1-11.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2393; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1067; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed Nov 8, 2001, 2:02 p.m.: 25 IR 741)*

SECTION 12. 326 IAC 6-1-11.2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-11.2 Lake County particulate matter contingency measures

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 4-21.5; IC 13-12

Sec. 11.2. (a) This rule shall apply to the following sources of PM_{10} emissions located in Lake County:

(1) Any source listed in section 10.1(d) of this rule.

(2) All sources of fugitive particulate emissions to which section 11.1(a) of this rule applies.

(3) Any source that is identified by the department in a culpability study as causing or contributing to an exceedance or violation of the PM_{10} standard.

(4) Any other source with potential PM_{10} emissions equal to or greater than ten (10) tons per year.

(b) As used in this section, "any reference to ambient monitoring data" means data that has been collected in accordance with 40 CFR 58* and has been verified by the department as quality assured in accordance with quality assurance procedures.

(c) If **the department's** review of ambient monitoring data from Lake County ~~by the department~~ reveals an exceedance of the twenty-four (24) hour ambient air quality standard for PM_{10}, **then** the department shall undertake a culpability study to determine the source or sources causing or contributing to the exceedance. An exceedance means a daily value that is above the level of the twenty-four (24) hour standard after rounding to the nearest ten micrograms per cubic meter (10 $\mu g/m^3$). In determining whether a source has caused or contributed to an exceedance of the twenty-four (24) hour ambient air quality standard for PM_{10}, the department shall take whatever steps ~~as~~ are necessary to determine which source or sources are culpable for the exceedance, including, but not limited to, the following:

(1) Evaluating whether the exceedance should be classified as an exceptional event pursuant to "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events~~**~~," **EPA 450/4-88-007***.

(2) Reviewing operating records of the source or sources identified pursuant to subdivisions (3) through (4) to determine whether any source or sources so identified experienced a malfunction or breakdown or violated any term or condition of its operating permit or applicable rule which contributed to the exceedance.

(3) Evaluating the monitoring equipment filter evidencing the exceedance to determine the type of source or sources that contributed to the exceedance.

(4) Evaluating meteorological data and conducting dispersion analyses pursuant to ~~the~~ "Guideline on Air Quality Models, Appendix W of 40 CFR Part 51~~*~~", **EPA 450/2-78-027R*,** to determine which source or sources caused or contributed to the exceedance, as needed.

(d) If the department determines that an exceedance can be classified as an exceptional event, the department shall make no request upon any source for voluntary controls.

(e) If the department determines that an exceedance would not have occurred except for a malfunction or violation of any term or condition of a source's operating permit or a violation of a rule adopted by the board, the department shall pursue enforcement or other appropriate action and shall make no request upon any source under the provisions of this rule.

(f) Following any exceedance of the twenty-four (24) hour ambient air quality standard for PM_{10} and upon completion of the culpability study described in subsection (c), the department shall notify the source or sources that the department has identified as likely to have caused or contributed to the exceedance and request that the source or sources voluntarily implement controls that will reduce the source's PM_{10} emissions by fifteen percent (15%). The department's notification shall include the results of the culpability study. The department shall request a reduction less than fifteen percent (15%) if the culpability study demonstrates that a lesser percent reduction would ensure that no further exceedance will occur under the same circumstances. If the department determines that a single facility at a source caused or significantly contributed to the exceedance, then the department will request that voluntary reductions be implemented only at the specific facility.

(g) If there is a violation of the twenty-four (24) hour ambient air quality standard for PM_{10}, as determined in accordance with 40 CFR 50, Appendix K*, and prior to a finding of failure to

attain by the administrator of ~~the~~ U.S. EPA, the department shall conduct a comprehensive culpability study as described in subsection (c) for each occurrence that contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

(1) Any source ~~whose~~ **where the** total source-wide PM_{10} emissions contributed more than twenty-five **(25)** micrograms per cubic meter ~~(25~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

(2) Any source where a specific facility at the source contributed more than five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.

(h) Within forty-five (45) days of receipt of the notification under subsection (g), the source or sources shall submit to the department the following information:

(1) Any source, ~~whose~~ **where the** total source-wide PM_{10} emissions contributed more than twenty-five **(25)** micrograms per cubic meter ~~(25~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the source's actual source-wide PM_{10} emissions by twenty-five percent (25%). A source may substitute other proposed actual emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a source-wide twenty-five percent (25%) reduction.

(2) Any source, where a specific facility at the source contributed more than five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a facility-wide twenty-five percent (25%) reduction.

If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the twenty-four (24) hour PM_{10} standard will occur, under the same circumstances, the department ~~will~~ **shall** specify what percent reduction will be required to ensure that no further violations occur.

(i) A source may, in lieu of the information required in subsection (h), submit an analysis that determines that the source's contribution to the violation **is** twenty-five **(25)** micrograms per cubic meter ~~(25~~ ($\mu g/m^3$) or less, or, in the case of a facility, five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) or less. After reviewing this information, the department shall determine whether the source shall comply with the emission reduction required in subsection (h). The department's decision is subject to IC 4-21.5.

(j) If there is a violation of the annual ambient air quality standard for PM_{10} as determined in accordance with 40 CFR 50, Appendix K*, and prior to a finding of failure to attain by the administrator of ~~the~~ U.S. EPA, the department shall conduct a comprehensive culpability study as described in subsection (c) for each occurrence that caused or contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

(1) Any source ~~whose~~ **where the** total source-wide PM_{10} emissions contributed more than five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

(2) Any source where a specific facility at the source contributed more than one **(1)** microgram per cubic meter ~~(1~~ ($\mu g/m^3$) to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.

(k) Within forty-five (45) days of receipt of the notification under subsection (j), the source or sources shall submit to the department the following information:

(1) Any source, ~~whose~~ **where the** total source-wide PM_{10} emissions contributed more than five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) to the total concentrations at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the source's actual source-wide PM_{10} emissions by twenty-five percent (25%). A source may substitute other proposed actual PM_{10} emission reductions upon a demonstration that the ambient air quality impact will be equivalent **to** or greater than source-wide reductions.

(2) Any source, where a specific facility at the source contributed more than one **(1)** microgram per cubic meter ~~(1~~ ($\mu g/m^3$) at the sampling site on any of the sampling days that contributed to the violation, shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual PM_{10} emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than facility-wide reductions. If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the annual PM_{10} standard will occur under the same circumstances, the department ~~will~~ **shall** specify what percent reduction will be required to ensure that no further violations occur.

(l) A source may, in lieu of the information required in subsection (k), submit an analysis that demonstrates that the source's contribution to the violation is five **(5)** micrograms per cubic meter ~~(5~~ ($\mu g/m^3$) or less, or, in the case of a facility, ~~less than~~ one **(1)** microgram per cubic meter ~~(1~~ ($\mu g/m^3$) or less. After reviewing this information, the department shall determine whether the source shall comply with the emission

reductions required in subsection (i). The department's decision is subject to IC 4-21.5.

(m) At the time of the submittal of the reduction measures, the source shall request that the department immediately incorporate the reduction measures into the source's Title V permit as described in 326 IAC 2-7 or its federally enforceable state operating permit (FESOP) as described in 326 IAC 2-8. If the source does not have a Title V operating permit or a FESOP, the source shall request that the department submit the reduction measure to ~~the~~ U.S. EPA as an SIP revision.

(n) The department may commence rulemaking to incorporate the approved reduction measures into section 10.1 or 11.1 of this rule as appropriate.

(o) The source shall implement the reduction measures within one hundred eighty (180) days of the department's initial notification or ~~such sooner time~~ **as soon** as ~~may be~~ feasible given the nature of the reduction measures, regardless of the department's approval, disapproval, or request for additional information unless a petition pursuant to subsection (i) or (l) has been submitted. Upon a showing by a source that one hundred eighty (180) days is infeasible for implementation of the reduction measures, the commissioner may extend the deadline, provided that the source implements interim reduction measures for the period of time necessary to implement the permanent measures. Such interim measures shall be put in place within thirty (30) days of the commissioner's approval of the requested extension.

(p) If **the department,** after review of the reduction measures, ~~the department~~ does not agree that the measures will achieve the required reduction, the department ~~will~~ **shall** notify the source. The source ~~will~~ **shall** have forty-five (45) days from receipt of the notice in which to resubmit a plan that adequately addresses the deficiencies. Failure to resubmit a plan that ensures reductions in PM_{10} emissions constitutes a violation of this rule.

(q) A source that is required to resubmit reduction measures shall implement the approved measures within ninety (90) days of the department's approval.

~~*Copies of the Code of Federal Regulations (CFR) referenced~~ */**The following are incorporated by reference: 40 CFR 50, Appendix K, 40 CFR 58, and EPA 450/4-88-007, "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events" and EPA 450/2-78-027R "Guideline on Air Quality Models, Appendix W of 40 CFR 51". Copies** may be obtained from the Government Printing Office, **732 North Capitol Street NW,** Washington, D.C. ~~20204~~ **20401** or **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air ~~Management,~~ **Quality, Indiana Government Center-North,** 100 North Senate Avenue, Indianapolis, Indiana 46204.

~~**Copies of the "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events" may be obtained from the Government Printing Office, Washington, D.C. 20204 or the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204.~~ *(Air Pollution Control Board; 326 IAC 6-1-11.2; filed Apr 16, 1996, 4:00 p.m.: 19 IR 2277; errata filed Jul 3, 1996, 5:00 p.m.: 19 IR 3114; filed Nov 8, 2001, 2:02 p.m.: 25 IR 746)*

SECTION 13. 326 IAC 6-1-12 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-12 Marion County

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 12. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Marion County:

MARION COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons per year	lbs/million Btu	grains/dscf
Asph. Mat. & Const. Inc.	0098	01	Oxid. Tank	.3		.004
Bridgeport Brass	0005	01	Boiler 1	21.5	.350	
	0005	02	Boiler 2	21.5	.350	
	0005	03	Boiler 3	21.5	.350	
Central Soya	0008	09A	Elevator Gallery Belt Trippers (East and West)	0.92		.006
	0008	09B	Elevator Gallery Belt Loaders (East and West)	0.70		.006
	0008	09C	Elevator Grain Dryer Conveying Legs	1.01		.006

	0008	10A	Elevator #1 Truck & Rail Receiving System and Basement	7.23		.006
	0008	10B	Elevator #2 Truck & Rail Receiving System	4.95		.006
Cent. St. Hospital	0009	01	Boilers 7 & 8	22.0	.350	
	0009	02	Boiler 3	17.0	.350	
Chevrolet	0010	0103	Boilers 1-3	65.8	.300	
Chrys. (El.) Shade	0011	01	All Boilers	67.8	.324	
Chrys. (Fdy.) S. Tibbs	0012	01	Cup.-Scrub	34.2		.085
	0012	02	D. Cl. Ck. 4 St.	4.9		.038
	0012	07	Hz. C. Ov. B. Ck.	4.2		.008
	0012	08	Hz. C. Ov. A. Ck.	3.1		.006
	0012	09	Hz. C. Ov. A. By	6.2		.029
	0012	10	Hz. C. Pst. Cr.	less than 1 T/yr		.001
	0012	11	Hz. C. Ov. B. Ry.	.4		.005
	0012	12	Hz. Rv. Ov. Jkt.	less than 1 T/yr		.001
	0012	13	Hz. Ry. Ov. A. CCC	less than 1 T/yr		.002
	0012	14	Bg. Ex. Rb. 1 St.	2.6		.020
	0012	16	Hyd. Fdy. Gre.	1.2		.004
	0012	18	Ck. Unload.	5.9		.021
	0012	19	Flsk. Sk.-Out	50.8		.030
	0012	22	Snd. Trnsfr.	2.6		.019
	0012	25	Cr. Grinding	.01		.001
	0012	26	Cr. Grinding	1.6		.007
	0012	28	Cl. Op. Cr. K. O.	8.2		.034
	0012	29	Cl. Room	6.8		.020
	0012	30	Cl. Room	4.2		.020
	0012	31	Chp. Op.	16.7		.020
	0012	34	Cst. Cl.	57.5		.020
Community Hospital	0014	01	Keller Boiler	.5	.014	
Design Mix	0091	01	Roty. Dry.	9.8		.092
Allison Transmission	0017	01-05	Boilers 1, 2, 3, 4, 5	39.3 combined	.15 each	
Rolls-Royce ~~Allison Plant No. 5~~ **Corporation**	~~0070~~ **0311**	01	Boilers ~~1-4~~ **0070-01 through 0070-04**		.337	
	~~0071~~ **0311**	02	Boilers ~~3-6~~ **0070-58 and 0070-59**	130.0/yr	.15	
	~~0071~~ **0311**	03	Boilers ~~7-10~~ **0070-62 through 0070-65**		.15	
~~Plant No. 8~~	~~0071~~	~~01~~	~~Boiler 2~~	0		
~~Plant No. 8~~	~~0071~~	~~03~~	~~Boiler 11~~	~~0~~		
Illinois Cereal Mills, Incorporated	0020	01	Cleaver Brooks Boiler	1.0	.014	
	0020	02	Old Mill)Dust	4.3		.030
	0020	05	Old Mill)Dust	4.3		.030
	0020	06	Warehouse)Dust	5.8		.030
	0020	07	New Mill Dryers	3.0		.030

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	0020	08	New Mill Dryers	3.0		.030
	0020	09	New Mill Dryers	3.0		.030
	0020	10	New Mill Dryers	3.0		.030
	0020	11	New Mill Dryers	9.4		.030
	0020	12	New Mill Coolers	3.1		.030
	0020	13	New Mill Cleaner	3.3		.030
	0020	14	Elevator Dust	1.6		.030
	0020	15	Headhouse Suction	3.1		.030
	0020	16	Corn Cleaner	1.0		.131
	0020	17	Corn Cleaner	1.0		.131
	0020	18	Headhouse Suction	~~6.3~~ **6.0**		.030
	0020	19	Old Mill Dust	5.9		.030
	0020	20	Large Hammermill	8.2		.030
	0020	03	Old Mill Dust	4.3		.030
	0020	04	Old Mill Dust	4.3		.030
Farm Bureau (Fert.)	0653	02	Gr. Dry Cooler	15.2		.013
	0653	04	Ammoniator	3.9		.047
	0653	05	Cooler Gr.	6.3		.026
	0653	06	Screen Gr.	less than 1 T/yr		.005
	0653	07	Bag. Ship.	.1		.004
FMC Bearing	0025	01	Boilers 1-3	17.0	.300	
FMC Chain	0062	0105	Boilers	7.6	.300	
	0062	07	Anneal. Ov.	.1		.004
Ford Motor Co.	0021	01	Boiler 3	38.6	.270	
	0021	02	Boiler 2	55.1	.270	
	0021	03	Boiler 1	16.5	.270	
Ft. Benjamin Harrison	0022	01	Boiler 1	16.7	.350	
	0022	02	Boiler 2	16.7	.350	
	0022	03	Boiler 3	16.7	.350	
	0022	04	Boiler 4	16.7	.350	
Glass Containers	0293	01	Glass Melting Furnace	43.0		(1 lb/ton)
Indep. Concrete Pipe	0457	01	Ct. St. Bn. 04	.21		.014
	0457	02	Ct. St. Bn. 03	.41		.014
Indpls. Rubber Co.	0064	01	Boilers	70.0	.350	
Ind. Asph. Pav. Co.	0027	01	Roty. Dry. 1	7.8		.074
	0027	02	Roty. Dry. 2	3.9		.066
Ind. Veneers	0031	01	Wd. & Cl. Boil.	13.9	.330	
IPL (Perry K)	0034	01	Boiler 11 (natural gas, coke oven gas)		*.125	
	0034	01	Boiler 12 (coal)		*.175	
	0034	02	Boiler 13 (natural gas, coke oven gas)		*.082	
	0034	02	Boiler 14 (natural gas, coke oven gas)	484.4	*.082	
	0034	03	Boiler 15 (coal)		*.106	
	0034	03	Boiler 16 (coal)		*.106	
	0034	03	Boiler 17 (oil)		*.015	
	0034	03	Boiler 18 (oil)		*.015	
IPL (Stout)	0033	09	Boiler 9	1.9	*.015	
	0033	10	Boiler 10	2.2	*.015	
	0033	11	Boiler 50	82.2	*.135	

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	0033	12	Boiler 60	82.2	*.135	
	0033	13	Boiler 70	830.7	*.1	
	0033	14	Gas Turbine 1	.28	*.015	
	0033	15	Gas Turbine 2	.28	*.015	
	0033	16	Gas Turbine 3	.28	*.015	
Nat'l. R.R. (Amtrak)	0646	01	Boiler 1	23.0	.350	
	0646	02	Boiler 2	23.0	.350	
National Starch	0042	06	61-9	4.1		.016
	0042	11	56-2	11.3		0.010
	0042	12	71-2	2.6		.030
	0042	13	61-6	.1		.030
	0042	22	56-1	7.02		0.020
	0042	29	40-4	44.1		0.020
	0042	30	40-3	42.3		0.020
	0042	31	40-2	31.9		0.020
	0042	43A	42-1	.9		.030
	0042	46	61-14A	.6		.029
	0042	47	61-14	1.2		.028
	0042	55	42-8	4.2		.030
	0042	56A	42-7A	1.7		.032
	0042	56B	42-7B	1.7		.032
	0042	56C	42-7C	1.7		.032
	0042	57A	42-3A	1.8		.032
	0042	57B	42-3B	1.8		.032
	0042	57C	42-3C	1.8		.032
	0042	57D	42-3D	1.8		.032
	0042	57E	42-3E	1.8		.032
	0042	57F	42-3F	1.8		.032
	0042	59	42-4	2.3		.029
	0042	60	42-10	2.4		.030
	0042	63	42-6	2.5		.030
	0042	64	71-1	.9		.030
	0042	67A	71-5A	.3		.026
	0042	67B	71-5B	.3		.026
	0042	67C	71-5C	.3		.026
	0042	67D	71-5D	.3		.026
	0042	67E	71-5E	.3		.026
	0042	67F	71-5F	.3		.026
	0042	67G	71-5G	.3		.026
	0042	67H	71-5H	.3		.026
	0042	67I	71-5I	.3		.026
	0042	67J	71-5J	.3		.026
	0042	67K	71-5K	.3		.026
	0042	67L	71-5L	.3		.026
	0042	68A	71-4A	.3		.026
	0042	68B	71-4B	.3		.026
	0042	68C	71-4C	.3		.026
	0042	68D	71-4D	.3		.026
	0042		575-1	32.4		.018
	0042		575-2	32.4		0.011

- 100% natural gas	0042	04	Boiler 4	~~3.4~~	~~.15~~	
Navistar International	0039	1a	E.M. 1 Baghouse	45.7		.019
	0039	1b	E.M. 2 Baghouse	53.5		.020
	0039	02	Boiler 1	14.0	.30	
	0039	03	Boiler 2	13.0	.30	
	0039	04	Boiler 3	34.9	.30	
	0039	05	Phase 1 Baghouse	35.4		.020
	0039	06	Phase 3 Baghouse	55.1		.020
	0039	07	M-3 Baghouse	72.4		.015
	0039	98	Phase 4 Baghouse	99.6		.02
	0039	99	Phase 5 Baghouse	62.0		.02
	0039	08	Cst. Cl. Cr. 1	.0		.0
	0039	09	Pngbrn. Shtb.	.0		.0
	0039	10	Cst. Clg. Cr. 2	.0		.0
Quemetco (RSR Corp)	0079	01	Rev. Fur. 01	5.8		.016
	~~0079~~	~~02~~	~~Blast Furnace~~	~~3.7~~		~~.014~~
RCA	0047	02	2 Boil Oil	28.7	.15	
Refined Metals	0036	01	Blast Furnace	2.8		.003
	0036	02	Pot Furnace	less than 1 T/yr		.0005
Reilly Industries, Inc.						
- 100% natural gas	0049	01	186 ~~S~~ **N**	~~.9~~	~~.011~~	
	0049	02	2722 W	3.5	.15	
	0049	03	2726 S	7.8	.15	
	0049	04	2728 S	2.2	.15	
- 100% natural gas	0049	05	2607 T	~~.9~~	~~.011~~	
	0049	06	2714 V	3.1	.15	
	0049	07	2707 V	.4	.011	
	0049	08	2724 W	~~4.0~~	~~.15~~	
- 100% natural gas	0049	09	702611	~~.1~~	~~.011~~	
- 100% natural gas	0049	10	722804	.2	.011	
	0049	11	732714	7.5	.15	
	0049	12	2706 Q	.1	.011	
- 100% natural gas	0049	13	2713 W	~~.2~~	~~.011~~	
- 100% natural gas	0049	14	2714 W	~~4.7~~	~~.011~~	
	~~0049~~	~~15~~	~~2720 Q~~	~~.1~~	~~.011~~	
	~~0049~~	~~16~~	~~B & W~~	~~4.0~~	~~.15~~	
	~~0049~~	~~17~~	~~Riley~~	~~4.0~~	~~.15~~	
	0049	18	2729 Q	.1	.011	
	~~0049~~	~~19~~	~~2710 P~~	~~1.6~~	~~.15~~	
	0049	20	2740 Q	2.0	.15	
	0049	21	112 E	.5	.15	
Richardson Co.	0065	01	Boil. 2 Oil	1.5	.015	
~~Rock Island Refinery~~	~~0051~~	~~01~~	~~Boiler 4~~	~~less than 1 T/yr~~		
	~~0051~~	~~02~~	~~Boiler 5~~	~~less than 1 T/yr~~		
	~~0051~~	~~05~~	~~Boiler 8~~	~~less than 1 T/yr~~		
	~~0051~~	~~06~~	~~PH-1~~	~~28.0~~	~~.15~~	
	~~0051~~	~~07~~	~~P-H2~~	~~26.0~~	~~.15~~	
	~~0051~~	~~11~~	~~H-H1~~	~~18.4~~	~~.15~~	
	~~0051~~	~~10~~	~~H-H2~~	~~12.9~~	~~.15~~	

	~~0051~~	~~13~~	~~H-H3~~	~~14.9~~	~~.15~~	
	~~0051~~	~~14~~				
	~~0051~~	~~24~~	~~FCC (Proc.)~~			
	~~0051~~		~~(Co. Boiler)~~	~~154.4~~	~~.15~~	
	~~0051~~	~~26~~	~~Pr. Htr. P-H6~~	~~73.6~~	~~.15~~	
	~~0051~~	~~27~~	~~Alk./Reboiler~~	~~18.2~~	~~.15~~	
	~~0051~~	~~28~~	~~FCC Heater~~	~~30.2~~	~~.15~~	
	~~0051~~	~~29~~	~~Crude Oil Heater~~	~~10.2~~	~~.017~~	
	~~0051~~	~~30~~	~~Vacuum Heater~~	~~34.0~~	~~.15~~	
	~~0051~~	~~31~~	~~Sulfur Recv.~~	~~1.01~~		~~.026~~
	~~0051~~		~~G.-B1 Boiler~~	~~13.3~~	~~.15~~	
St. Vincent's Hospital	0476	0103	Boilers 1-3	.7	.011	
Sludge Incinerator	0032	01	Incinerator #5	17.9		.030
	0032	02	Incinerator #6	17.9		.030
	0032	03	Incinerator #7	17.9		.030
	0032	04	Incinerator #8	17.9		.030
	0032	05	Incinerators #1-4	72.5		.030
Stokely Van Camp	0056	0103	Boiler	93.3	.350	
~~Union Carbide~~ **Praxair**	0060	01	3 Boilers	35.5	.350	
~~Western Electric~~	~~0058~~	~~01~~	~~Boiler 2~~	~~9.1~~		~~.310~~
	~~0058~~	~~02~~	~~Boiler 3~~	~~15.9~~		~~.310~~
	~~0058~~	~~03~~	~~Boiler 4~~	~~16.9~~		~~.310~~
	~~0058~~	~~04~~	~~Boiler 5~~	~~58.3~~		~~.310~~

*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5**.

(b) Sources shall be considered in compliance with the tons per year emission limits established in subsection (a) if within five percent (5%) of the emission limit.

(c) Processes 40-4, 40-3, 40-2, 575-1, *[and]* **575-2 and Boiler 4 at National Starch, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.**

(d) Processes 186 N, 2607 T, 702611, 722804, 2713 W, and 2714 W at Reilly Industries, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.

~~(c)~~ **(e)** In addition to complying with subsections (a) through (b), Navistar International Transportation Corporation shall comply with the following:

(1) The height of each of the two (2) stacks on the M-3 baghouse (Point ID 07) shall be increased by fifty (50) feet by August 31, 1990.

(2) Within thirty (30) days of the effective date of this rule, Navistar shall submit to the department the following:

(A) A certification as to the complete and permanent shutdown of the sources identified as Point ID 8, 9, and 10 of subsection (a) and No. 2 Large Mold Line, M-2 Mold Line, M-4 Mold Line, and the core-making and core-knockout operations for these mold lines.

(B) A written list of sources not identified in subsection (a) with a potential to emit ten (10) or greater tons per year.

(3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department of the monthly emissions from each emission point identified in subsection (a) which contains information necessary to estimate emissions, including:

(A) for boilers, fuel type, usage, ash content, and heat content; and

(B) for other processes, the appropriate production data, emission factors, and proper documentation of the emission factors.

(4) The tons per year limitation shall be met based on the sum of the monthly emissions for each twelve (12) month period.

(5) A written report detailing Navistar's operation and maintenance program to provide for proper operation of and to prevent deterioration of the air pollution control equipment on the emission points identified as Point ID 1a, 1b, 5, 6, 7, 98, and 99 in subsection (a) to be submitted to the department by July 31, 1990.

~~(d)~~ **(f)** In addition to complying with subsections (a) through (b), Rolls-Royce ~~Allison~~ **Corporation** shall comply with the following:

(1) Boilers ~~1~~ **0070-01** through ~~4 of Plant No. 5~~ **0070-04** may use only ~~coal,~~ #2 fuel oil, #4 fuel oil, natural gas, or landfill gas as a fuel.

(2) Boilers ~~3, 4,~~ **0070-58, 0070-59,** and ~~7~~ **0070-62** through ~~10 of Plant No. 8~~ **0070-65** may use only #6 fuel oil, #4 fuel oil, #2 fuel oil, natural gas, or landfill gas as a fuel.

~~(3) Boilers 2, 5, 6, and 11 of Plant No. 8 shall not operate.~~

~~(4)~~ **(3)** Boilers ~~1~~ **0070-01** through ~~4 of Plant No. 5~~ **0070-04, 0070-58, 0070-59,** and ~~boilers 3, 4, and 7~~ **0070-62** through ~~10 of Plant No. 8~~ **0070-65** shall have the following limitations depending upon the fuel being used:

(A) When using only #4 fuel oil, the amount used for the listed boilers collectively is not to exceed thirty-seven million one hundred forty-two thousand eight hundred (37,142,800) gallons per year based on a three hundred sixty-five (365) day rolling figure.

(B) When ~~either coal,~~ **using** #6 fuel oil, #2 fuel oil, ~~or~~ natural gas, or landfill gas, ~~is used,~~ the limitation listed in clause (A) shall be adjusted as follows:

~~(i) When using coal, the gallons per year of #4 fuel oil shall be reduced by fifty-nine thousandths (0.059) gallon per pound of coal burned.~~

~~(ii)~~ **(i)** When using #6 fuel oil, the gallons per year of #4 fuel oil shall be reduced by two and six-tenths (2.6) gallons per gallon used.

~~(iii)~~ **(ii)** When using natural gas, the gallons per year of #4 fuel oil shall be reduced by eighty-eight hundred-thousandths (0.00088) gallon per cubic foot of natural gas burned.

~~(iv)~~ **(iii)** When using #2 fuel oil, the gallons per year of #4 fuel oil shall be reduced by twenty-eight hundredths (0.28) gallon per gallon used.

~~(v)~~ **(iv)** When using landfill gas, the gallons per year of #4 fuel oil shall be reduced by one hundred sixteen hundred-thousandths (.00116) gallon per cubic foot of landfill gas burned.

~~(5)~~ **(4)** A log shall be maintained to document compliance with subdivision (4). These records shall be maintained for at least the previous twenty-four (24) month period and shall be made available upon request by the department.

~~(c)~~ **(g)** In addition to complying with subsections (a) through (b), Allison Transmission shall comply with the following:

(1) Maintain monthly fuel usage records for each boiler identified in subsection (a) that contains sufficient information to estimate emissions, including:

(A) boiler identification and heat capacity;

(B) fuel usage for each type of fuel; and

(C) heat content of fuel.

(2) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis Environmental Resources Management Division of the monthly emissions of the boilers identified in subsection (a) and including the information in subdivision (1).

(3) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(4) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

~~**Copies of the Code of Federal Regulations (CFR) referenced~~ ***The following is incorporated by reference: 40 CFR 60, Appendix A, Method 5. Copies** may be obtained from the Government Printing Office, **732 North Capitol Avenue,** Washington, D.C. ~~20402~~ **20401** and ~~are~~ **is** available for **review and** copying at the Indiana Department of Environmental Management, **Office of Air Quality,** Indiana Government Center-North, **Tenth Floor,** 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 6-1-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2472; filed Dec 14, 1989, 9:30 a.m.: 13 IR 868; filed Oct 4, 1995, 10:00 a.m.: 19 IR 186; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; errata filed Mar 19, 1996, 10:20 a.m.: 19 IR 2044; filed Sep 18, 1998, 11:35 a.m.: 22 IR 417; filed Feb 9, 1999, 4:22 p.m.: 22 IR 1954; filed Apr 27, 1999, 9:04 a.m.: 22 IR 2857; errata filed Dec 8, 1999, 12:38 p.m.: 23 IR 812; filed May 26, 2000, 8:33 a.m.: 23 IR 2419; filed May 26, 2000, 8:37 a.m.: 23 IR 2414; errata filed Aug 17, 2000, 2:25 p.m.: 24 IR 26; filed Nov 8, 2001, 2:02 p.m.: 25 IR 748)*

SECTION 14. 326 IAC 6-1-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-13 Vigo County

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 13. **In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vigo County:**

VIGO COUNTY

Source	East Km	North Km	Process	Emission Limits tons/yr+	lbs/million BTU	other units
~~Anaconda~~ **Alcan**	466.23	4376.07	No. 2 Melter	49.3		3 lb/ton
	466.23	4376.06	No. 3 Melter	49.3		3 lb/ton
	466.23	4376.05	No. 4 Melter	49.3		3 lb/ton
	466.23	4376.04	No. 5 Melter	144.5		3 lb/ton
	466.23	4376.03	No. 6 Melter	144.5		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton

~~C.F. Industries~~	~~468.74~~	~~4381.67~~	~~Prill Tower~~	~~163.4~~		~~37.3 lb/hr~~
	~~468.72~~	~~4381.69~~	~~Brink Outlet~~	~~140.6~~		~~32.1 lb/hr~~
	~~468.76~~	~~4381.67~~	~~Neutralizer Outlet~~	~~163.4~~		~~37.3 lb/hr~~
	~~468.75~~	~~4381.67~~	~~Tower Roof Fans~~	~~163.4~~		~~37.3 lb/hr~~
~~Farm Bureau~~ **Terre Haute Grain**	465.89	4365.42	Unloading	45.9		Good housekeeping as defined by 326 IAC 6-1 and the board or its designated agent.
	465.87	4365.40	Loading	22.9		
	465.85	4365.39	Bin Unloading	76.1		
	465.89	4365.37	Drying	10.1		
Gartland Foundry	464.54	4365.81	Cupola	112.5		.15 gr/dscf
~~General Housewares~~ **Colombian Home Products**	455.36	4370.89	No. 1 & 2 Boilers (1 stack)	69.0	.35	
Graham Grain	464.21	4365.73	Drying	1.7		Good housekeeping as defined by 326 IAC 6-1 and the board or its designated agent.
	464.21	4365.81	Handling	16.0		
~~IMC~~	~~464.06~~	~~4366.76~~	~~No. 9 Boiler~~	~~57.5~~	~~.35~~	
	~~464.05~~	~~4366.76~~	~~No. 10 Boiler~~	~~57.5~~	~~.35~~	
	~~464.08~~	~~4366.76~~	~~No. 15 Boiler~~	~~95.8~~	~~.35~~	
	~~464.00~~	~~4366.76~~	~~No. 16 Boiler~~	~~98.6~~	~~.15~~	
	~~466.34~~	~~4365.39~~	~~East Boiler~~	~~7.9~~	~~.15~~	
	~~463.97~~	~~4263.77~~	~~Fermentation Vents~~	~~.07~~		~~.4 lb/1000 gal. processed~~
	~~464.03~~	~~4366.73~~	~~Feed Supplement~~	~~5.6~~		~~.4 lb/1000 lb. processed~~
Indiana Gas & Chemical	465.88	4366.27	4 Boilers	61.6	.15	
	465.92	4366.30	Coal Unloading	38.6		Comply with 326 IAC 11-3
	465.91	4366.24	Quenching	86.9		Comply with 326 IAC 11-3
	465.91	4366.32	No. 1 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.32	No. 4 Pushing	2.2		.04 lb/ton of coke
	465.89	4366.35	No. 1 Underfire Stack	7.0		.03 gr/dscf
	465.91	4366.29	No. 2 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.29	No. 2 Pushing	2.2		.04 lb/ton of coke
	465.91	4366.27	No. 2 Underfire Stack	7.0		.03 gr/dscf
ISU	465.03	4369.14	No. 2 & 3 Boilers (1 stack)	207.5	.35	Boilers 2 & 3 will not be used simultaneously with Boiler 5.
	465.03	4369.14	No. 5 Boiler (1 stack)	232.4	.35	
	465.04	4369.13	No. 4 Boiler	57.5	.15	
J.I. Case	466.32	4375.13	No. 1 & 2 Boilers (1 stack)	308.3	.68	
Martin Marietta	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in 326 IAC 6-1 and by the board or its designated agent.
~~Midland Glass~~	~~464.43~~	~~4365.75~~	~~A Furnace~~	~~184.0~~		~~1.0 lb/ton~~
	~~464.48~~	~~4365.75~~	~~B Furnace~~	~~184.0~~		~~1.0 lb/ton~~

	~~464.53~~	~~4365.75~~	~~C Furnace~~	~~184.0~~		~~1.0 lb/ton~~
Pfizer	464.06	4356.54	No. 6 & 7 Boilers	92.0	.15	
	464.06	4356.57	No. 5 Boiler	57.2	.15	
	464.65	4356.39	D Boiler	7.9	.15	
PSI	463.58	4375.20	Units 1-6	4102.3	0.1338	
Rose Hulman	472.19	4370.38	No. 1 Boiler	49.3	.6	
Sisters of Providence	460.48	4373.41	No. 2 & 3 Boilers	89.9		20.52 lb/hr
	460.50	4373.42	No. 5, 7 & 8 Boilers	106.2		24.24 lb/hr
Terre Haute Concrete	465.44	4368.96	Batch Plant No. 1	52.5		Comply with 326 IAC 6-4
	465.44	4368.98	Batch Plant No. 2	48.3		and good housekeeping procedures as defined by the board or its designated agent.
Terre Haute Malleable	4660.50	4371.32	Exhaust Fans	3.8		.15 gr/dscf
United States	461.15	4363.13	No. 1 Boiler	41.1	.15	
Penitentiary	461.15	4363.12	No. 2 Boiler	41.1	.15	
	461.15	4363.11	No. 3 Boiler	41.1	.15	
	462.43	4363.63	Camp Boiler	20.5	.15	
Ulrich Chemical	466.13	4365.39	Soda Ash Handling	4.5		.03 gr/dscf
Wabash Fibre Box	466.57	4370.89	Boiler	16.4	.15	
	466.54	4371.01	Reserve Boiler	55.2	.6	
Wabash Valley Asphalt	468.38	4374.20	North Plant	194.7		Comply with 326 IAC 6-4
	459.30	4360.60	South Plant	315.6		Comply with 326 IAC 6-4
~~Weston~~ **International** Paper	463.42	4365.58	No. 1 & 4 Boilers	483.8	.35	
	463.71	4366.00	No. 5 Boiler	61.2	.15	
	463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

+Compliance shall be acceptable if within 5% of the established emission limit.

(Air Pollution Control Board; 326 IAC 6-1-13; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2480; filed Nov 8, 2001, 2:02 p.m.: 25 IR 754)

SECTION 15. 326 IAC 6-1-14 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-14 Wayne County

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

Sec. 14. **In addition to the emission limitations contained in section 2 of this rule,** the following limitations apply to sources in Wayne County:

WAYNE COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons/yr	lbs/million BTU	grains/dscf
Belden ~~Corp.~~ **Wire and Cable (office)**	0003	1P	Oil Boiler 39 MMBTU/Hr.	8.0	0.015	
Dana Perfect Circle) Richmond	0004	2P	Cupola	51.50		0.133
~~Swayne Robinson & Co.~~	~~0010~~	~~3P~~	~~Cupola~~	~~21.20~~		~~0.134~~
		~~4P~~	~~Sand Handling~~	~~11.10~~		~~0.05~~
Joseph H. Hill Co. PLT-A	0007	5P	3 Oil Boilers (Single Stack) 30 MMBTU/Hr.	1.40	0.015	

		6P	Oil Boiler 22.5 MMBTU/Hr.	1.0	0.015	
Joseph H. Hill Co. PLT-B	0031	7P	3 Oil Boilers (Single Stack) 175 MMBTU/Hr.	5.60	0.015	
Joseph H. Hill Co. PLT-C	0032	8P	Oil Boiler No. 1 19 MMBTU/Hr.	0.70	0.015	
		9P	Oil Boiler No. 2 7 MMBTU/Hr.	0.30	0.015	
Dana Perfect Circle) Hagerstown	0014	10P	Gas Boiler 50 MMBTU/Hr.	2.10	0.010	
Richmond Milestone Contractors	0008	13P	Rotary Dryer	50.80		0.158
Cambridge City Milestone Contractors	0028	14P	Rotary Dryer	67.4		0.218
Johns Manville Corporation	0006	15P	25 MMBTU/Hr. Natural Gas Boiler	1.5	0.0137	
		16P	Lines 2 and 3 Natural Gas Melt Furnaces	7.8		0.01
		17P	Line 6 Electric Melt Furnace	3.9		0.020
		19P	Line 3 Curing Oven	27.4		0.02
		20P	Line 6 Curing Oven	6.2		0.02
		21P	Line 2 Forming Process	58.3		0.02
		22P	Line 3 Forming Process	123.6		0.02
		23P	Line 6 Forming Process	45.4		0.02
Richmond State Hospital	0025	24P	~~(4 Coal Boilers)164 MMBTU/Hr.~~ **(4 Gas/Oil Boilers) 123.4 MMBTU/Hr.**	~~111.30~~ **7.7**	~~0.350~~ **0.014**	
Schrock Cabinet Company	0015	26P	Wood Boiler 10 MMBTU/Hr.	7.60	0.190	
		27P	Coal Boiler 10 MMBTU/Hr.	6.90	0.280	
Richmond Power & Light	0009	28P	Coal Boiler No. 1 385 MMBTU/Hr.	71.6	0.19**	
		29P	Coal Boiler No. 2 730 MMBTU/Hr.	233.3	0.22**	
~~Wayne Dairy~~		~~30P~~	~~Oil Boiler 6-5 MMBTU/Hr.~~	~~0.70~~	~~0.10~~	
Earlham College		31P	Oil Boiler 14 MMBTU/Hr.	0.70	0.080	
~~Ralston~~ Purina **Mills, Inc.**	0033	32P	2 Oil Boilers One Stack 27 MMBTU/Hr.	1.0	0.015	
Wallace Metals	0011	33P	Oil Boiler 6.5 MMBTU/Hr.	0.10	0.015	
Design & Manufacturing		34P	1 Coal Boiler 43.5 MMBTU/Hr.	38.20	0.350	
~~Swayne Robinson Middlesborro Stone~~ **Barrett Paving Materials**	~~0010~~ 0029	~~43~~ 24	~~Cleaning Room~~ Primary Crushing	~~2.80~~ 17.40		
			Secondary Crushing	63.3		
			Screening/Conveying/Handling	292.4		
Wayne County Farm Bureau	0021	39	Shipping/Receiving, Transferring/Conveying, Screening/Cleaning, Drying	10.40		
Farmer's Grain	0017	47	Shipping, Receiving, Transferring, Conveying, Drying	732.0		
Belden ~~Corporation~~ **Wire and Cable (plant)**	0003	39	Plastic Compounding	8.0		
			Rubber Mixing	0.14		
			Pneumatic	10.80		

**The combined emissions from Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed 0.22 lbs/MMBTU.

(Air Pollution Control Board; 326 IAC 6-1-14; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2482; filed Jun 15, 1995, 1:00 p.m.: 18 IR 2727; errata filed Jul 6, 1995, 5:00 p.m.: 18 IR 2795; filed Sep 24, 1999, 9:57 a.m.: 23 IR 301; filed Nov 8, 2001, 2:02 p.m.: 25 IR 756)

SECTION 16. 326 IAC 6-1-15 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-15 Howard County
Authority: IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 15. **(a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Howard County:**

HOWARD COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons/yr	lbs/million BTU	grains/dscf
Cuneo Press	01-04	1P	4 Coal and oil boilers	48.0	0.65	
Chrysler-Haynes	01A	2P	Reverberatory Furnace A	22.5		0.39
	01B	3P	Reverberatory Furnace B	22.5		0.39
	01C	4P	Reverberatory Furnace C	92.5		0.85
	01D	5P	Reverberatory Furnace D	92.5		0.85
	01E	6P	Reverberatory Furnace E	92.5		0.85
	01F	7P	Reverberatory Furnace F	92.5		0.85
	01G	8P	Reverberatory Furnace G	36.2		0.63
	02	9P	Gas Boilers 1-3 190 MMBTU/Hr. 1975 only			
DaimlerChrysler-U.S. 31	01-03	10P	Boilers 1-3 1985 only	875.7	0.75	
	04-05		4-5 1975 only			
Penn-Dixie	02	11P	Oil & Gas Fired Boilers 66 MMBTU/Hr. Stack No. 1	21.2	0.08	
		12P	Oil & Gas Fired Boilers 66 MMBTU/Hr. Stack No. 2	21.2	0.08	
		13P	Gas Fired Boiler 66 MMBTU/Hr. Stack No. 3	3.1	0.01	
	04	15P	2 Coal Boilers Stack No. 1	671.2	5.10	
		16P	2 Coal Boilers Stack No. 2	671.2	5.10	
Delphi Delco	~~01~~	~~17P~~	~~Coal Fired Boiler 56 MMBTU/Hr.~~	~~78.6~~	~~0.42~~	
	~~02~~	~~18P~~	~~Coal Fired Boiler 56 MMBTU/Hr.~~	~~78.6~~	~~0.42~~	
- 100% natural gas	03	19P	4 Gas Fired Boilers Stack No. 1	~~2.4~~	~~0.01~~	
- 100% natural gas		20P	~~2~~ **1** Gas Fired ~~Boilers~~ **Boiler** Stack No. 2	~~1.0~~	~~0.01~~	
- 100% natural gas		21P	2 Gas Fired Boilers Stack No. 3	~~1.0~~	~~0.01~~	
- 100% natural gas		22P	5 Gas Fired Boilers Stack No. 4	~~3.8~~	~~0.01~~	
Mohr Construction	01	23P	Dryer/Screening Conveying	49.7		0.14
Name Inc.	01	24P	Drum Mixer	28.5		0.05
Judson Feed & Grain	0013	14A	Shipping/Receiving 5866 T/Yr.	1.7		
			~~Transfering~~ **Transferring**/Conveying 5866 T/Yr.	4.5		
Russiaville Feed & Grain	0008	34A	Shipping/Receiving 5332 T/Yr.	1.7		
			~~Transfering~~ **Transferring**/Conveying 5332 T/Yr.	4.2		

Greentown Grain	0011	68A	Shipping/Receiving 24400 T/Yr.	7.3
			~~Transfering~~ **Transfer-ring**/Conveying 24400 T/Yr.	18.4
			Drying 7000 T/Yr.	2.4
Kokomo Grain Co.	0006	18A	Shipping/Receiving 60,000 T/Yr.	4.5
			~~Transfering~~ **Transfer-ring**/Conveying 60,000 T/Yr.	11.1
- 100% natural gas			Drying 25,000 T/Yr.	~~2.1~~
Howard Co. Farm Bureau Co-op (Greentown)	0014	72A	Shipping/Receiving 14,296 T/Yr.	4.2
			~~Transfering~~ **Transfer-ring**/Conveying 14,296 T/Yr.	10.8
			Drying 5579 T/Yr.	2.1
			Grinding 2000 T/Yr.	0.03
Yeomen Stone & Sand	0010	59A	Primary Crushing 403,000 T/Yr.	53.9
			Secondary Crushing 280,000 T/Yr.	178.0
Penn-Dixie	0004	59A	Electric Arc. Furnace 378,100 T/Yr. in 1975 554,300 T/Yr. in 1985	15.3
			Soak & Rodmill Furnace 4509 × 10^3 gal/Yr.	103.6
Howard Co. Farm Bureau Co-op (Russiaville)	0007	72A	Shipping/Receiving 11239 T/Yr.	3.48
			~~Transfering~~ **Transfer-ring**/Conveying 11234 T/Yr.	28.16
			Drying 3078 T/Yr.	1.04

(b) The gas-fired boilers located at Stacks 1, 2, 3, and 4 at Delphi Delco, identified in subsection (a) as a one hundred percent (100%) natural gas burners, shall burn only natural gas.

(c) The unit for drying twenty-five thousand (25,000) t/yr located at Kokomo Grain, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6-1-15; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2485; filed Nov 8, 2001, 2:02 p.m.: 25 IR 758)*

SECTION 17. 326 IAC 6-1-16 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-16 Vanderburgh County

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

Sec. 16. **(a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vanderburgh County**:

VANDERBURGH COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons/yr+	lbs/million BTU	grains/dscf
Sigeco						
- 100% natural gas	01	01	Gas Turbine	~~1.74~~		~~0.001~~
~~Arkla~~	~~01-03~~	~~02~~	~~Coal Boiler Nos. 1,2,3~~	~~167.9~~	~~0.220~~	
	~~04~~	~~03~~	~~Coal Boiler No. 4~~	~~56.3~~	~~0.220~~	
Bernadin	01	04	Coal Boiler	9.0	0.220	
~~Bucyrus Erie~~	~~01~~	~~05~~	~~Coal Boiler~~	~~98.7~~	~~0.320~~	
Evv. State Hospital	01	06	Coal Boiler No. 1	69.53	0.50	
	02	07	Oil Boiler No. 2	1.04	0.014	
	03	08	Oil Boiler No. 3	1.04	0.014	

~~General Tire & Rubber~~	~~02~~	~~09~~	~~Gas Boiler No. 1~~	~~0.7~~	~~0.010~~	
	~~03~~	~~10~~	~~Gas Boiler No. 2~~	~~0.7~~	~~0.010~~	
	~~04-05~~	~~11~~	~~Gas Boiler Nos. 3 & 4~~	~~2.09~~	~~0.010~~	
International Steel	01	12	Coal Boiler Nos. 1 & 2	10.8	0.150	
~~Ball Plastics~~	~~02~~	~~13~~	~~Gas Boiler~~	~~less than 1 t/yr~~		~~0.01~~
	~~03~~	~~14~~	~~Gas Boiler~~	~~less than 1 t/yr~~		~~0.01~~
	~~04~~	~~15~~	~~Gas Boiler~~	~~less than 1 t/yr~~		~~0.01~~
Mead Johnson	01-02	16	Coal Boiler Nos. 3 & 4	130.71	0.38	
	03	17	Coal Boiler	68.14	0.280	
National of Evansville	01	18	Coal Boiler	99.08	5.2	
~~Sterling Brewers~~	~~01-02~~	~~19~~	~~Coal Boiler Nos. 2 & 3~~	~~31.29~~	~~0.160~~	
	~~03~~	~~20~~	~~Coal Boiler No. 1~~	~~11.47~~	~~1.650~~	
Whirlpool Hwy. 41	01	21	Coal Boiler No. 2	33.37	0.119	
	02	22	Coal Boiler No. 3	33.37	0.119	
	03	23	Coal Boiler No. 4	815.55	1.70	
	04	24	Oil Boiler No. 5	24.68	0.066	
Whirlpool Morgan Avenue	01	25	Coal Boiler No. 1	163.04	0.642	
	02-03	26	Coal Boiler Nos. 2 & 3	237.43	0.750	
Craddock ~~Furniture~~ **Finishing**	01	27	Coal Boiler	0.7	0.085	
Inland Container	02-03	28	Gas & Oil Boiler	2.1	0.030	
Evv. Veneer & Lumber	01	29	Wood Boiler	89.34	1.10	
General Foods	01-02	30	Oil Boiler Nos. 2 & 3	6.95	0.046	
	03	31	Wheat Clean	2.09		0.007
	04	32	Conveying	0.03		0.002
	07	33	Flour Grind	1.04		0.011
	08	34*	Conveying	1.04		0.003
	09	35	Wheat Clean	2.09		0.011
	10	36	Wheat Clean	36.15		0.680
	11	37	Wheat Hand	40.67		0.368
	12	38	Grain Unload	4.87		0.084
	13	39	Grain Unload	0.7		0.102
	14	40	Dust Control	36.15		1.329
	15	41	Wheat Clean	3.48		0.047
	16	42	Grain Dryer	9.73		0.007
Nunn Milling	01	43	Wheat Grind	133.49		11.63
	02	44	Hammer Mill	17.73		0.790
	03	45	Corn Mill 1	0.14		0.008
	04	46	Corn Mill 2	0.14		0.003
	05	47	Screen & Clean	9.39		1.66
	06	48	Flour Purify	3.13		0.277
	07	49	Pack Shack	9.39		0.738
	08	50	Wheat Scour	9.39		0.738
~~Ralston~~ Purina **Mills, Inc.**	~~01~~	~~51~~	~~Grain Dryer~~	~~1.39~~		~~0.62~~
	03	52	Unloading	0.03		0.001
	04	53	Palleting	1.39		0.018

~~Indiana Farm Bureau~~	~~01~~	~~54~~	~~Unloading~~	~~less than 1 ton/yr~~	~~0.001~~
	~~02~~	~~55~~	~~Trans & Convey~~	~~less than 1 ton/yr~~	~~0.001~~
	~~03~~	~~56~~	~~Shipping~~	~~less than 1 ton/yr.~~	~~0.001~~

+Compliance shall be acceptable if within 5% of the established emission limit.
*Difference between actual and RACT emissions on ton/yr. basis is small, and the impact on air quality from this source is insignificant. 1985 projected emissions is the strategy allowed emission for this source.

(b) The gas turbine at Sigeco, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6-1-16; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2487; filed Nov 8, 2001, 2:02 p.m.: 25 IR 759)*

SECTION 18. 326 IAC 6-1-17 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-17 Clark County

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

Sec. 17. **In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Clark County:**

CLARK COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons/yr	lbs/million BTU	grains/dscf
Kimball ~~Office Furniture~~ **Case Goods**	0002 03	1P	Oil Fired Boiler 6 MMBTU/Hr.	0.3	0.0130	
Colgate Palmolive	0003 01-02	2P	Oil & Gas Fired Boilers No. 8 & 9 88 MMBTU/Hr. each	6.3	0.015	
	05	3P	Oil & Gas Fired Boiler No. 10 100 MMBTU/Hr.	4.2	0.015	
	~~06~~	~~4P~~	~~Detergent spray tower D~~	~~13.80~~		~~.016~~
	~~07~~	~~5P~~	~~Detergent spray tower E~~	~~37.5~~		~~0.03~~
~~Gorsuch~~ **Robison** Foundry	0004 01	6P	Cupola	4.2		.476
Hooker Chemical	0005 01	7P	Thermal process	8.7		.023
	02	8P	Sodium Phosphate Process	85.2		.028
~~Louisville Cement~~ **Essroc Materials**	0008 12	9P	Kiln No. 2	265.20		0.4 lb/ton
	04	10P	Limestone Kiln	120.40		0.58 lb/ton
	11	12P	Kiln No. 1	251.20		0.58 lb/ton
~~Philadelphia Quartz~~ **PQ Corporation**	0018 01	13P	Gas-Oil Boiler 5 MMBTU/Hr.	0.3	0.060	
	02	14P	Sodium Silicate Glass	51.8		1.4 lb/ton
~~Stumler~~ Gohman Asphalt	0022 01	15P	Dryer, Screen, Conveyor	11.5		.087
B & E Asphalt	0023 01	16P	Dryer, Screen, Conveyor	29.2		0.11
USS Agri Chemicals	0024 01	17P	Unloading, Bulk Shipment	1.7		.004
	03	18P	Sieving, Crushing Scaling	11.1		0.02
	04	19P	Ammoniator	9.0		0.039
	05	20P	Dryer & Cooler	24.0		0.09
Hillerich & Bradsby	0032 01	21P	Incinerator-Waste Heat Boiler	26.1	0.240	

	02	22P	Wood Products	0.3		.001
Quality Paving	0037 01	23P	Asphalt Batching	4.2		.03

(Air Pollution Control Board; 326 IAC 6-1-17; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2489; filed Nov 8, 2001, 2:02 p.m.: 25 IR 761)

SECTION 19. 326 IAC 6-1-18 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-18 St. Joseph County

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

Sec. 18. **(a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in St. Joseph County:**

ST. JOSEPH COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits tons/yr	lbs/million BTU	grains/dscf
Sibley Machine & Foundry	01	1P	Cupola	26.8		0.71
	02	2P	Grinding	3.0		0.023
	03	3P	Tumble Blast	5.0		0.030
	04	4P	Table Blasting	4.3		0.037
	05	5P	Sand Handling	5.0		0.052
	06	6P	Sand Handling	19.0		0.074
	07	7P	Sand Handling	14.60		0.027
	08	8P	Sand Handling	5.60		0.021
Asphalt Engineers	01	9P	Rotary Dryer	10.40		0.270
~~Bendix Aerospace)Systems Division~~ **Allied Signal Aerospace - 100% natural gas**	01	10P	3 ~~Oil~~ and Gas fired boilers 31 MMBTU/Hr. total	~~6.90~~	~~0.10~~	
Volney Felt Mills	01	11P	Oil fired boiler 22 MMBTU/Hr.	5.90	0.130	
	02	12P	Hammer Mill	1.0		0.028
Northern Indiana Childrens Hospital	01-03	13P	3 oil fired boilers 3 MMBTU/Hr. each	1.40	0.060	
University of Notre Dame	01-03	14P	Boiler No. 1, No. 6 oil & gas fired 137 MMBTU/Hr.		0.087	
			Boiler No. 2 & 3 coal fired, 96 MMBTU/Hr. each		0.28	
	04	15P	Boiler No. 4 oil, gas & coal fired 234 MMBTU/Hr.		0.17	
	05	16P	Boiler No. 5, No. 2 oil fired 244.5 MMBTU/Hr.		0.02	
			Boiler Nos. 1, 2, 3, 4, & 5	118.7 total		
Uniroyal	01-03	17P	Boilers No. 1, 2, 3 coal & gas fired 150 MMBTU/Hr. each	40	0.100	
Wheelabrator Frye.	01	18P	Standby Furnaces Nos. 1 and 2	0.12		0.006
	02	19P	Standby Furnaces Nos. 3 and 4	0.30		0.006

	03	20P	Furnace No. 5	2.80		0.004
	04	21P	Furnace No. 6	2.80		0.004
	05	22P	Sand Handling	1.70		0.017
	07	23P	Heat Treatment Furnace	8.70*		0.055
	08	24P	Shot Separation	5.90		0.036
	09	25P	Foundry Arc Furnace	4.20		0.004
ARCO Engg. Const. Corp.	01	26P	Rotary Dryer	24.70		0.153
Mishawaka Brass	01	27P	Rotary Furnace	4.13		0.091
White Farm Equipment Co.	01	28P	Coal fired boiler 17 MMBTU/Hr.	21.90	0.470	
~~Bendix-Brake and Steering Division~~ **Bosch Braking Systems - 100% natural gas**	01-03	29P	Boiler Nos. 1, 2, 3 ~~oil &~~ gas fired 84 MMBTU/Hr. each	~~4.20~~	~~0.010~~	
- 100% natural gas	04-05	30P	Boiler No. 4, ~~oil and~~ gas fired 63 MMBTU/Hr.	~~3.10~~	~~0.010~~	
Reliance Electric)Dodge Division	01	31P	3 electric Induction Furnaces	37.50		0.090
	03	32P	~~Manual~~ **Chip &** Grinding **- Main Baghouse**	5.5		0.001
	04	33P	**South Foundry -** Sand Handling	6.66		0.017
	05	34P	~~Sand Handling~~ **South Foundry -** Shake out	5.17		0.012
	07	35P	**East Foundry - Shake out and** Sand Handling ~~-Gen.~~	3.16		0.010
	~~09~~	~~36P~~	~~Standby boiler. Coal fired, 13 MMBTU/Hr.~~	~~3.39~~	~~0.498~~	
	10	37P	~~Shot blast cleaning~~ **Wheelblast, railblast, #1 spinner hanger**	5.5		0.015
	~~12~~	~~38P~~	~~Shot blast cleaning~~	~~3.44~~		~~0.096~~
AM General	29	39P	Oil fired boiler No. 1 9 MMBTU/Hr.	6.60	0.150	
	30	40P	Oil fired boiler No. 2 9 MMBTU/Hr.	9.40	0.150	
RACO	01	41P	Oil fired boilers Nos. 1, and 2.21 MMBTU/Hr.	4.20	0.080	
	02	42P	Boiler No. 3 oil fired 10 MMBTU/Hr.	3.50	0.080	
	03	43P	Boiler No. 4 oil fired 10 MMBTU/Hr.	3.50	0.080	
Reith Riley Construction						
Plant No. 0027	01	44P	Rotary Dryer	1.70		0.052
Plant No. 0017	02	45P	Rotary Dryer	11.10		0.132
Walsh & Kelly		46P	Rotary Dryer	20.48		0.049
I & M-Twin Branch	02-03	48P	Boilers Nos. 41 & 42. Oil fired 525 MMBTU/Hr. each	35.80	0.014	
	04	49P	Boiler No. 5 oil fired 1367 MMBTU/Hr.	61.90	0.014	

~~St. Mary~~ **Saint Mary's**	01	54P	Boiler No. 2 coal fired 63 MMBTU/Hr.	12.90	0.110
	02	55P	Boiler No. 3 coal fired 63 MMBTU/Hr.	12.90	0.110
- 100% natural gas	03	56P	Boiler No. 1 ~~oil &~~ gas fired. 63 MMBTU/Hr.	~~1.40~~	~~0.010~~

*Difference between RACT allowed and projected actual emissions on tons/year basis is very small and impact on air quality is insignificant from this source, projected actual emission is the strategy allowed emission.

(b) Three (3) boilers at Allied Signal Aerospace, identified in subsection (a) as a one hundred percent (100%) natural gas burners, shall burn only natural gas.

(c) Boiler Nos. 1, 2, 3, and 4 at Bosch Braking Systems, identified in subsection (a) as a one hundred percent (100%) natural gas burners, shall burn only natural gas.

(d) Boiler No. 1 at Saint Mary's, identified in subsection (a) as a one hundred percent (100%) natural gas burner, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6-1-18; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2491; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2299; filed Nov 8, 2001, 2:02 p.m.: 25 IR 762)*

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TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #00-111(F)

DIGEST

Amends 327 IAC 8-2 concerning lead and copper. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: #00-111(WPCB) June 1, 2000, Indiana Register (23 IR 2322).

Second Notice of Comment Period and Notice of First Hearing: #00-111(WPCB) August 1, 2000, Indiana Register (23 IR 2952).

Change in Notice of Public Hearing: October 1, 2000, Indiana Register (24 IR 55).

Date of First Hearing: November 8, 2000.

Publication of Proposed Rule and Notice of Second Hearing: January 1, 2001, Indiana Register (24 IR 1062).

Date of Second Hearing and Final Adoption: January 10, 2001.

327 IAC 8-2-37
327 IAC 8-2-38
327 IAC 8-2-39
327 IAC 8-2-40
327 IAC 8-2-41
327 IAC 8-2-43
327 IAC 8-2-44
327 IAC 8-2-46

SECTION 1. 327 IAC 8-2-37 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-37 Monitoring requirements for lead and copper in tap water

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 37. (a) The following are requirements for sample site locations:

(1) By the applicable date of commencement of monitoring under subsection (d)(1), each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meet the requirements of this section and that are sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in subsection (c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designated to remove inorganic contaminants.

(2) A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under section 22 of this rule (special monitoring for corrosivity characteristics) when conducting a materials evaluation. When an evaluation of the information collected under section 22(d) of this rule is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subdivisions (3) through (7), the water system shall review the sources of information listed in clauses (A) through (C) in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information, where possible, in the course of its normal operations, such as checking service line materials when reading water meters or performing maintenance activities:

(A) all plumbing codes, permits, and records in the files of the building department which indicate the plumbing materials that are installed within publicly or privately owned structures connected to the distribution system;

(B) all inspections and records of the distribution system

that indicate the material composition of the service connections that connect a structure to the distribution system; and

(C) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(3) The sampling sites selected for a community water system's sampling pool (tier one (1) sampling sites) shall consist of:

(A) single family structures; or

(B) multiple family residences if such residences comprise at least twenty percent (20%) of the structures served by water systems that:

(i) contain:

(AA) copper pipes with lead solder installed after 1982; or ~~contain~~

(BB) lead pipes; ~~or~~

(ii) are served by a lead service line; or

(iii) both **items (i) and (ii) apply.**

(4) Any community water system with insufficient tier one (1) sampling sites shall complete its sampling pool with tier two (2) sampling sites consisting of buildings, including multiple family residences that:

(A) contain:

(i) copper pipes with lead solder installed after 1982; or ~~contain~~

(ii) lead pipes; ~~or~~

(B) are served by a lead service line; or

(C) both **clauses (A) and (B) apply.**

(5) Any community water system with insufficient tier one (1) and tier two (2) sampling sites shall complete its sampling pool with tier three (3) sampling sites consisting of single family structures that contain copper pipes with lead solder installed before 1983. **A community water system with insufficient tier one (1), tier two (2), and tier three (3) sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purposes of this subdivision, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.**

(6) The sampling sites selected for a nontransient noncommunity water system (tier one (1) sampling sites) shall consist of buildings that:

(A) contain:

(i) copper pipes with lead solder installed after 1982; or ~~contain~~

(ii) lead pipes; ~~or~~

(B) are served by a lead service line; or

(C) both **clauses (A) and (B) apply.**

(7) A nontransient noncommunity water system with insufficient tier one (1) sites that meet the targeting criteria in subdivision (6) shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. **If additional sites are needed to complete the sampling pool, the nontransient noncommunity water system shall use representative sites throughout its distribution system. For the purpose of this subdivision, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.**

~~(8) Any water system whose sampling pool does not consist exclusively of tier one (1) sites shall demonstrate, in a letter submitted to the commissioner under section 46(a)(2) of this rule, why a review of the information listed in subdivision (2) was inadequate to locate a sufficient number of tier one (1) sites. Any community water system which includes tier three (3) sampling sites in its sampling pool shall demonstrate in such letter why it was unable to locate a sufficient number of tier one (1) and tier two (2) sampling sites.~~

~~(9)~~ **(8)** Any water system whose distribution system contains lead service lines shall draw fifty percent (50%) of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and fifty percent (50%) of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall ~~demonstrate in a letter submitted to the commissioner under section 46(a)(4) of this rule why the system was unable to locate a sufficient number of such sites. Such a water system shall~~ collect first draw samples from all of the sites identified as being served by such lines.

(b) The following are requirements for sample collection methods:

(1) All tap samples for lead and copper collected in accordance with this subsection, with the exception of lead service line samples collected under section 43(c) of this rule **and samples collected under subdivision (5)**, shall be first draw samples.

(2) Each first draw tap sample for lead and copper shall be one (1) liter in volume and have stood motionless in the plumbing system of each sampling site for at least six (6) hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First draw samples from a nonresidential building shall be **one (1) liter in volume and shall be** collected at an interior tap from which water is typically drawn for consumption. **Nonfirst draw samples collected in lieu of first draw samples pursuant to subdivision (5) shall be one (1) liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption.** First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this subdivision. **To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to fourteen (14) days after the sample is**

collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the EPA-approved method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(3) Each service line sample shall be one (1) liter in volume and have stood motionless in the lead service line for at least six (6) hours. Lead service line samples shall be collected in one (1) of the following three (3) ways:

(A) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line.

(B) Tapping directly into the lead service line.

(C) If the sampling site is a building constructed as a single family residence, allowing the water to run until there is a significant change in temperature ~~which~~ **that** would be indicative of water that has been standing in the lead service line.

(4) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

(5) A nontransient noncommunity water system, or a community water system meeting the criteria of section 44(c)(7)(A) and 44(c)(7)(B) of this rule, that does not have enough taps that can supply first draw samples, as defined in section 1 of this rule, may apply to the commissioner in writing to substitute nonfirst draw samples. Such systems must collect as many first draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The commissioner has the discretion to waive the requirement for prior approval of nonfirst draw sample sites selected by the system by written notification to the system.

(c) Water systems shall collect at least one (1) sample during each monitoring period specified in subsection (d) from the number of sites listed in the second column of the table in this subsection (standard monitoring). A system conducting reduced monitoring under subsection (d)(4) ~~may~~ **shall** collect **at least** one (1) sample from the number of sites specified in the third column of the table in this subsection during each monitoring period specified in subsection (d)(4). **Such reduced monitoring sites shall be representative of the sites required for standard monitoring. The commissioner may specify sampling locations when a system is conducting reduced monitoring.**

System Size (Number of People Served)	Number of Sites (Standard Monitoring)	Number of Sites (Reduced Monitoring)
> 100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
<101	5	5

(d) The following are requirements for the timing of monitoring:

(1) For initial tap sampling, the first six (6) month monitoring period for small, medium size, and large systems shall begin on the following dates:

System Size (Number of People Served)	First Six Month Monitoring Period Begins On
> 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
< 3,301	July 1, 1993

The monitoring requirements are as follows:

(A) All large systems shall monitor during two (2) consecutive six (6) month periods.

(B) All small and medium size systems shall monitor during each six (6) month monitoring period until:

(i) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under section 40 of this rule, in which case the system shall continue monitoring in accordance with subdivision (2); or

(ii) the system meets the lead and copper action levels during two (2) consecutive six (6) month monitoring periods in which case the system may reduce monitoring in accordance with subdivision ~~(d)(4).~~ **(4).**

(2) Tap water monitoring requirements for lead and copper after corrosion control and source water treatment are as follows:

(A) Any large system ~~which~~ **that** installs optimal corrosion control treatment under STEP FOUR of section 40(d) of this rule shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in STEP FIVE of section 40(d) of this rule.

(B) Any small or medium size system ~~which~~ **that** installs optimal corrosion control treatment under STEP FIVE of section 40(e) of this rule shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in STEP SIX of section 40(e) of this rule.

(C) Any system ~~which~~ **that** installs source water treatment under STEP THREE of section 42(a) of this rule shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in STEP FOUR of section 42(a) of this rule.

(3) After the commissioner specifies the values for water quality control parameters under section 41(f) of this rule, the system shall monitor during each subsequent six (6) month monitoring period, with the first monitoring period to begin

on the date the commissioner specifies optimal values under section 41(f) of this rule.

(4) Reduced monitoring requirements shall be as follows:

(A) A small or medium size water system that meets the lead and copper action levels during each of two (2) consecutive six (6) month monitoring periods may reduce the number of samples in accordance with subsection (c), and reduce the frequency of sampling to once per year.

(B) Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under section 41(f) of this rule during each of two (2) consecutive six (6) month monitoring periods may ~~request that the commissioner allow the system to~~ reduce the frequency of monitoring to once per year and ~~to~~ reduce the number of lead and copper samples in accordance with subsection (c) **if it receives written approval from the commissioner.** The commissioner shall:

(i) review ~~the~~ **monitoring, treatment, and other relevant** information submitted by the water system ~~and shall make the decision~~ **in accordance with section 46 of this rule;**

(ii) notify the system in writing ~~setting forth the basis for the determination.~~ **when** the commissioner ~~shall~~ **determines the system is eligible to commence reduced monitoring; and**

(iii) review and, where appropriate, revise the **commissioner's** determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(C) A small or medium size water system that meets the lead and copper action levels during three (3) consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three (3) years. Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under section 41(f) of this rule during three (3) consecutive years of monitoring may ~~request that the commissioner allow the system to~~ reduce the frequency of monitoring from annually to once every three (3) years **if it receives written approval from the commissioner.** The commissioner shall:

(i) review ~~the~~ **monitoring, treatment, and other relevant** information submitted by the water system ~~and shall make the decision~~ **in accordance with section 46 of this rule;**

(ii) notify the system in writing ~~setting forth the basis for the determination.~~ **when** the commissioner ~~shall~~ **determines the system is eligible to reduce the frequency of monitoring to once every three (3) years;**

(iii) review and, where appropriate, revise the determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(D) A water system that reduces the number and frequency of sampling shall collect these samples from **representative** sites included in the pool of targeted sampling sites identified in subsection (a). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August, or September **unless the commissioner has approved a different sampling period in accordance with the following:**

(i) At the commissioner's discretion, a different period for conducting the lead and copper tap sampling may be approved for systems conducting a reduced number of samples. Such a period shall be no longer than four (4) months and must represent a time of normal operation where the highest levels of lead are most likely to occur. The commissioner shall designate a period that represents a time of normal operation for the system as follows:

(AA) For a nontransient noncommunity water system that does not operate during the months of June through September.

(BB) Where the period of normal operation having the highest levels of lead that are most likely to occur is not known.

(ii) Systems monitoring annually that have been collecting samples during the months of June through September and have received approval from the commissioner to alter their sample collection period pursuant to subsection (a) shall collect their next round of samples during a period that ends no later than twenty-one (21) months after the previous round of sampling.

(iii) Systems monitoring triennially that have been collecting samples during the months of June through September and have received approval from the commissioner to alter their sample collection period pursuant to subsection (a) shall collect their next round of samples during a time period that ends no more than forty-five (45) months after the previous round of sampling. Subsequent rounds of sampling shall be collected annually or triennially as required by this section.

(iv) Small systems with waivers granted pursuant to subsection (g) that have been collecting samples during the months of June through September and have received approval from the commissioner to alter their sample collection period under item (i) must collect their next round of samples before the end of the nine (9) year period.

(E) A water system that demonstrates for two (2) consecutive six (6) month monitoring periods that the tap water lead level computed under section 36(c)(3) of this rule is less than or equal to five-thousandths (0.005) milligram per liter (mg/l) and the tap water copper level computed under section 36(c)(3) of this rule is less than or equal to sixty-five hundredths (0.65) mg/l may

reduce the number of samples in accordance with subsection (c) and reduce the frequency of sampling to once every three (3) calendar years.

~~(E)~~ **(F) The following apply when a small or medium size water system subject to reduced monitoring exceeds the lead or copper action level:**

(i) A small or medium size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with subdivision (3) and collect the number of samples specified for standard monitoring under subsection (c). Such system shall also conduct water quality parameter monitoring in accordance with section 38(c), 38(d), or 38(e) of this rule, as appropriate, during the monitoring period in which it exceeds the action level. Any water system ~~subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified by the commissioner under section 41(f) of this rule shall resume tap water sampling in accordance with subdivision (3) and collect the number of samples specified for standard monitoring under subsection (c).~~ **may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) after it has completed two (2) subsequent consecutive six (6) month rounds of monitoring that meet the criteria of clause (A) or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either clause (C) or (E).**

(ii) A water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the commissioner under section 41(f) of this rule for more than nine (9) days in any six (6) month period specified in section 38(d) of this rule shall conduct tap water sampling for lead and copper at the frequency specified in subdivision (3), collect the number of samples specified for standard monitoring under subsection (c), and shall resume monitoring for water quality parameters in accordance with section 38(d) of this rule. Such a system may resume reduced monitoring for lead and copper at the tap and water quality parameters within the distribution system under the following conditions:

(AA) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) after it has completed two (2) subsequent six (6) month rounds of monitoring that meets the criteria of clause (B) and the system has received written approval from the commissioner that it is appropriate to resume reduced monitoring on an annual frequency.

(BB) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either clause (C) or (E) and the system has received written approval from the commissioner that it is appropriate to resume triennial monitoring.

(CC) The system may reduce the number of water quality parameter tap water samples required in accordance with section 38(f)(1) of this rule and the frequency with which it collects such samples in accordance with section 38(f)(2) of this rule. Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of section 38(f)(2) of this rule, that it has requalified for triennial monitoring.

(G) A water system subject to a reduced monitoring frequency under this subdivision that either adds a new source of water or changes any water treatment shall inform the commissioner in writing in accordance with section 46(a)(3) of this rule. The commissioner may require the system to resume sampling in accordance with subdivision (3) and collect the number of samples specified for standard monitoring under subsection (c) or take other appropriate steps such as increased water quality parameter monitoring or reevaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the commissioner in making any determinations (i.e., calculating the ninetieth percentile lead or copper level) under section 36 of this rule, this section, and sections 38 through 47 of this rule.

(f) A sample invalidated under this subsection does not count toward determining lead or copper ninetieth percentile levels under section 36(c)(3) of this rule or toward meeting the minimum monitoring requirements of subsection (c). The following criteria specify invalidation of samples:

(1) The commissioner may invalidate a lead or copper tap water sample if at least one (1) of the following conditions is met:

(A) The laboratory establishes that improper sample analysis caused erroneous results.

(B) The commissioner determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(C) The sample container was damaged in transit.

(D) There is substantial reason to believe that the sample was subject to tampering.

(2) The system must report the results of all samples to the commissioner and all supporting documentation for samples the system believes should be invalidated.

(3) To invalidate a sample under subdivision (1), the decision and the rationale for the decision must be documented in writing. The commissioner may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than the original sample.

(4) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one (1) or more samples the system has too few samples to meet the minimum requirements of subsection (c). Any such replacement samples must be taken as soon as possible, but no later than twenty (20) days after the date the commissioner invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(g) A small system that meets the criteria of this subsection may apply to the commissioner to reduce the frequency of monitoring for lead and copper under this section to once every nine (9) years for a full waiver if it meets all of the materials criteria specified in subdivision (1) and all of the monitoring criteria specified in subdivision (2). A small system that meets the criteria of subdivisions (1) and (2) only for lead or only for copper may apply to the commissioner for a partial waiver that may reduce the frequency of tap water monitoring for that contaminant only. The following are the criteria for lead and copper waivers:

(1) The system must demonstrate that the distribution system, service lines, and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing or copper-containing materials or both, according to the following:

(A) To qualify for a lead waiver, either a full waiver or a waiver of the tap water monitoring requirements, the water system must provide certification and supporting documentation to the commissioner that the system is free of all lead-containing materials as demonstrated by the following:

(i) There are no plastic pipes or plastic service lines that contain lead plasticizers.

(ii) The system is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fitting and fixtures unless such fittings and fixtures meet the specifications of any standard established pursuant to the Safe Drinking Water Act at 42 U.S.C. 300g-6(e).

(B) To qualify for copper waiver, either a full waiver or a waiver of the tap water monitoring requirements, the water system must provide certification and supporting documentation to the commissioner that the system contains no copper pipes or copper service lines.

(2) The system must have completed at least one (1) six (6) month round of standard tap water monitoring for lead and copper at sites approved by the commissioner and from the number of sites required by subsection (c) and demonstrate that the ninetieth percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing or copper-containing materials or both, as appropriate, meet the following criteria:

(A) To qualify for a full waiver or a lead waiver, the system must demonstrate that the ninetieth percentile lead level does not exceed five-thousandths (0.005) mg/l.

(B) To qualify for a full waiver or a copper waiver, the system must demonstrate that the ninetieth percentile for copper does not exceed sixty-five hundredths (0.65) mg/l.

(3) The commissioner shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. The small system must continue monitoring for lead and copper at the tap as required by subsection (d), as appropriate, until it receives written notification from the commissioner that the waiver has been approved. As a condition of the waiver, the commissioner may require the system to perform specific activities to avoid the risk of lead or copper concentration of concern in tap water, including the following:

(A) Limited monitoring.

(B) Periodic outreach to customers to remind them to avoid installation of materials that might void the waiver.

(4) The monitoring requirements for systems with a full waiver, a lead waiver, or a copper waiver are as follows:

(A) A system with a full waiver shall conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) at the reduced number of sampling sites specified in subsection (c) at least once every nine (9) years and provide the materials certification specified in subdivision (1) for both contaminants along with the monitoring results.

(B) A system with a partial waiver shall conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) at the reduced number of sampling sites specified in subsection (c) at least once every nine (9) years and provide the materials certification specified in subdivision (1) pertaining to the waived contaminant along with the monitoring results. Such a system must also continue to monitor for the nonwaived contaminant in accordance with the requirements of subsection (d), as appropriate.

(C) If a system with a full or partial waiver adds a new source of water or changes any water treatment, the system must notify the commissioner in writing in accordance with section 46(a)(3) *[of this rule]***. The commissioner has the authority to require the system to**

add or modify waiver conditions, if it deems such modifications are necessary to address treatment or source water changes at the system. Conditions may include the following:

(i) Requiring recertification that the system is free of lead-containing or copper-containing materials, or both.

(ii) Requiring an additional round or rounds of monitoring.

(D) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, or both, as appropriate, as a result of new construction or repairs, the system shall notify the commissioner in writing no later than sixty (60) days after becoming aware of such a change.

(5) If a system continues to satisfy the requirements of subdivision (4), the waiver will be renewed automatically unless any of the conditions listed in this section occurs. A system whose waiver has been revoked may reapply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subdivisions (1) and (2). The waiver may be revoked if any of the following conditions occur:

(A) A system with a full waiver or a lead wavier no longer satisfies the materials criteria of subdivision (1)(A) or has a ninetieth percentile lead level greater than five-thousandths (0.005) mg/l.

(B) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of subdivision (1)(B) or has a ninetieth percentile copper level greater than sixty-five hundredths (0.65) mg/l.

(C) The commissioner notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(6) A system whose full or partial waiver has been revoked by the commissioner is subject to the corrosion control treatment and lead and copper tap water monitoring requirements as follows:

(A) If the system exceeds the lead or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in section 40(e) of this rule and any other applicable requirements of section 36 of this rule, this section, and sections 38 through 47 of this rule.

(B) If the system meets both the lead and copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three (3) years using the reduced number of sample sites specified in subsection (c).

(Water Pollution Control Board; 327 IAC 8-2-37; filed Aug 24, 1994, 8:15 a.m.: 18 IR 68; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 532; filed Oct 26, 2001, 4:55 p.m.: 25 IR 764; errata filed Oct 30, 2001, 10:50 a.m.: 25 IR 813)

SECTION 2. 327 IAC 8-2-38 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-38 Monitoring requirements for water quality parameters

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 38. (a) All large water systems and all small and medium size water systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in the table in subsection (b)(2)(A).

(b) General monitoring requirements for water quality parameters shall be as follows:

(1) Requirements for sample collection methods shall be as follows:

(A) Tap samples shall be representative of water quality throughout the distribution system taking into account:

(i) the number of persons served;

(ii) the different sources of water;

(iii) the different treatment methods employed by the system; and

(iv) seasonal variability.

Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under section 37(a) of this rule. (Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling under section 8 of this rule.)

(B) **Except as provided in subsection (d)(3), a system shall collect two (2) samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in subsection (c).** Samples collected at the entry point to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions, ~~(i.e.,~~ **that is,** when water used is representative of all sources being used.

(2) Requirements for the number of samples shall be as follows:

(A) Systems shall collect two (2) tap samples for applicable water quality parameters during each monitoring period specified under subsections (c) through (f) from the number of sites listed in the following table:

System Size (Number of People Served)	Number of Sites for Water Quality Parameters
> 100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
~~501 to 3,300~~	~~2~~
~~101 to 500~~	~~1~~
~~≤ 101~~	~~1~~

(B) Systems shall collect two (2) samples for each applica-

ble water quality parameter at each entry point to the distribution system during each monitoring period specified in subsection (c). During each monitoring period specified in subsections (d) through (f), systems shall collect one (1) sample for each applicable water quality parameter at each entry point to the distribution system.

(c) This subsection governs initial sampling. All large water systems shall measure the applicable water quality parameters as specified in subdivision (1) at taps and at each entry point to the distribution system during each six (6) month monitoring period specified in section 37(d)(1) of this rule. All small and medium size systems shall measure the applicable water quality parameters at the locations specified in subdivision (1) during each six (6) month monitoring period specified in section 37(d)(1) of this rule during which the system exceeds the lead or copper action level. **The following are water quality parameters:**

(1) Monitoring requirements for water quality parameters at taps are as follows:

(A) pH.

(B) Alkalinity.

(C) Orthophosphate, when an inhibitor containing a phosphate compound is used.

(D) Silica, when an inhibitor containing a silica compound is used.

(E) Calcium.

(F) Conductivity.

(G) Water temperature.

(2) At each entry point to the distribution system, all of the applicable parameters listed in subdivision (1).

(d) This subsection governs monitoring after installation of corrosion control. Any large system which installs corrosion control treatment under section 40(d)(4) of this rule shall measure the water quality parameters at the locations and frequencies specified in this subsection during each six (6) month monitoring period specified in section 37(d)(2)(A) of this rule. Any small or medium size system which installs corrosion control treatment shall conduct monitoring during each six (6) month monitoring period specified in section 37(d)(2)(B) of this rule in which the system exceeds the lead or copper action level. **The following are water quality parameters:**

(1) Monitoring requirements for water quality parameters at taps are two (2) samples for:

(A) pH;

(B) alkalinity;

(C) orthophosphate, when an inhibitor containing a phosphate compound is used;

(D) silica, when an inhibitor containing a silicate compound is used; and

(E) calcium, when calcium carbonate stabilization is used as part of corrosion control.

(2) ~~Monitoring requirements for water quality parameters~~ **Except as provided in subdivision (3),** at each entry point to the distribution system are one (1) sample **no less frequently than** every two (2) weeks (biweekly) for:

(A) pH;

(B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity and the alkalinity concentration; and

(C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used and the concentration of the orthophosphate or silica (whichever is applicable).

(3) A ground water system can limit entry point sampling described in subdivision (2) to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subdivision, the system shall provide to the commissioner written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(e) This subsection governs monitoring after water quality parameter values for optimal corrosion control are specified. After the commissioner specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under section 41(f) of this rule, all large water systems shall measure the applicable water quality parameters in accordance with subsection (d) ~~during each monitoring period specified in section 37(d)(3) of this rule~~ **and determine compliance with the requirements of section 42(g) of this rule every six (6) months with the first six (6) month period to begin on the date the commissioner specifies the optimal values under section 41(f) of this rule.** Any small or medium size system shall conduct such monitoring during each ~~monitoring~~ **six (6) month** period ~~specified in section 37(d)(3) of this rule~~ in which the system exceeds the lead or copper action level. ~~The system may take a confirmation sample for any water quality parameter value no later than three (3) days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under section 41(g) of this rule. The commissioner has the discretion to delete results of obvious sampling errors from this calculation.~~ **For any such small and medium size water system that is subject to a reduced monitoring frequency pursuant to section 37(d)(4) of this rule at the time of the action level exceedence, the end of the applicable six (6) month period shall coincide with the end of the applicable monitoring period under section 37(d)(4) of this rule. Compliance with commissioner-designated optimal water quality parameter**

values shall be determined as specified under section 41(g) of this rule.

(f) The following are requirements for reduced monitoring:

(1) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two (2) consecutive six (6) month monitoring periods under subsection (e) shall continue monitoring at the entry point to the distribution system as specified in subsection (d)(2). Such system may collect two (2) tap samples for applicable water quality parameters from the reduced number of sites shown in the following table during each six (6) month monitoring period:

System Size (Number of People Served)	Reduced Number of Sites of Water Quality Parameters
> 100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
< 101	1

(2) **This section designates reduced monitoring requirements for water quality parameters as follows:**

(A) Any water system that maintains the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under section 41(f) of this rule during three (3) consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subdivision (1) from once every six (6) months to annually. Any water system that maintains the range of water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under section 41(f) of this rule during three (3) consecutive years of annual monitoring under this subdivision may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subdivision (1) from annually to once every three (3) years.

(B) A water system may reduce the frequency of collecting tap samples to every three (3) years for applicable water quality parameters specified in subdivision (1) if the system demonstrates the following during two (2) consecutive monitoring periods:

(i) The systems tap water lead level at the ninetieth percentile is less than or equal to the PQL for lead as specified in section 45(b)(2) of this rule.

(ii) The systems tap water copper level at the ninetieth percentile is less than or equal to sixty-five hundredths (0.65) milligram per liter (mg/l) for copper as specified in section 36(c)(2) of this rule.

(iii) The system has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under section 41(f) of this rule.

(3) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(4) Any water system subject to the reduced monitoring frequency that fails to operate **at or above the minimum value or** within the range of values for the water quality parameters specified by the commissioner under section 41(f) of this rule **for more than nine (9) days in any six (6) month monitoring period** shall resume **distribution** tap water sampling in accordance with the number and frequency requirements in subsection ~~(d).~~ **(e). Such a system may resume annual monitoring for water quality parameters number of sites specified in subdivision (2) after it has completed two (2) subsequent consecutive six (6) month rounds of monitoring that meet the criteria of that subsection or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates that it meets the criteria of either subdivision (2)(A) or (2)(B).**

(g) The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the commissioner in making any determinations, ~~(i.e.,~~ **that is,** determining concentrations of water quality parameters under this section or section 41 of this rule. *(Water Pollution Control Board; 327 IAC 8-2-38; filed Aug 24, 1994, 8:15 a.m.: 18 IR 71; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 532; filed Oct 24, 1997, 4:30 p.m.: 21 IR 940; filed Oct 26, 2001, 4:55 p.m.: 25 IR 770; errata filed Oct 30, 2001, 10:50 a.m.: 25 IR 813)*

SECTION 3. 327 IAC 8-2-39 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-39 Monitoring requirements for lead and copper in source water

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 39. (a) Requirements for sample location, collection methods, and number of samples shall be as follows:

(1) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with section 37 of this rule shall collect lead and copper source water samples in accordance with the **following** requirements regarding sample location, number of samples, and collection methods: ~~specified in section 4.1 of this rule (inorganic chemical sampling). (Note: The timing of sampling for lead and copper shall be in accordance with subsections (b) and (c), and not dates specified in section 4.1 of this rule.)~~

(A) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment hereafter called a sampling point. The system

shall take one (1) sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(B) Surface water systems, or systems with a combination of ground and surface water sources, shall take a minimum of one (1) sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment hereafter called a sampling point. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(C) If a system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water representative of all sources is being used.

(D) The commissioner may reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five (5) samples are allowed, provided that if the lead concentration in the composite sample is greater than one-thousandth (0.001) milligram/liter (mg/l) or the copper concentration is greater than one hundred sixty-thousandths (0.160) mg/l, then either of the following shall be done:

(i) A follow-up sample shall be taken and analyzed within fourteen (14) days at each sampling point used in the composite.

(ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.

(2) Where the results of sampling indicate the maximum permissible source water levels established under section 42(b)(4) of this rule have been exceeded, the commissioner may require that one (1) additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two (2) weeks) at the same sampling point. If a confirmation sample required by the commissioner is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the maximum permissible levels specified by the commissioner. Any sample value below the detection limit shall be considered to be zero (0). Any value above the detection limit but below the practical quantitation level shall either be considered as the measured value or be considered one-half (½) the practical quantitation level.

(b) Any system ~~which~~ **that** exceeds the lead or copper action level at the tap shall collect one (1) source water sample from each entry point to the distribution system within six (6) months after the action level has been exceeded.

(c) Any system which installs source water treatment under STEP THREE of section 42(a) of this rule shall collect an additional source water sample from each entry point to the distribution system during two (2) consecutive six (6) month monitoring periods by the deadline specified in STEP FOUR of section 42(a) of this rule.

(d) Requirements for monitoring frequency after the commissioner specifies maximum permissible source water levels or determines that source water treatment is not needed shall be as follows:

(1) A system shall monitor at the frequency specified as follows in cases where the commissioner specifies maximum permissible source water levels under STEP FOUR of section 42(b) of this rule or determines that the system is not required to install source water treatment under STEP TWO of section 42(b) of this rule:

(A) A water system using only ground water shall collect samples once during the three (3) year compliance period (as that term is defined in section 1(10) of this rule) in effect when the applicable determination under this subdivision is made by the commissioner. Such systems shall collect samples once during each subsequent compliance period.

(B) A water system using surface water (or a combination of surface and ground water) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable determination is made under this subdivision.

(2) A system is not required to conduct source water sampling for lead or copper, or both, if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under subdivision (1).

(e) Requirements for reduced monitoring frequency shall be as follows:

(1) A water system using only ground water ~~which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead or copper, or both, concentrations specified by the commissioner in STEP FOUR of section 42(b) of this rule during at least three (3) consecutive compliance periods under subsection (d)(1)~~ may reduce the monitoring frequency for lead ~~or~~ **and** copper ~~or both,~~ to once during each nine (9) year compliance cycle (as that term is defined in section 1(9) of this rule) **if the system meets one (1) of the following criteria:**

(A) The system demonstrates that the finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner in section 42(b)(4) of this rule during at least three (3) consecutive compliance periods under subsection (d)(1).

(B) The commissioner has determined that source

water treatment is not needed and the system demonstrates that, during at least three (3) consecutive compliance periods in which sampling was conducted under subsection (d)(1), the concentration of lead in source water was less than or equal to five-thousandths (0.005) mg/l and the concentration of copper in source water was less than or equal to sixty-five hundredths (0.65) mg/l.

(2) A water system using surface water (or a combination of surface **water** and ground ~~waters which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner in STEP FOUR of section 42(b) of this rule for at least three (3) consecutive years)~~ **water)** may reduce the monitoring frequency in subsection (d)(1) to once during each nine (9) year compliance cycle (as that term is defined in section 1(9) of this rule) **if the system meets one (1) of the following criteria:**

(A) The system demonstrates that the finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner in section 42(b)(4) of this rule for at least three (3) consecutive years.

(B) The commissioner has determined that source water treatment is not needed and the system demonstrates that, during at least three (3) consecutive years, the concentration of lead in source water was less than or equal to five-thousandths (0.005) mg/l and the concentration of copper in source water was less than or equal to sixty-five hundredths (0.65) mg/l.

(3) A water system that uses a new source of water is not eligible for reduced monitoring for lead or copper, or both, until concentrations in samples collected from the new source during three (3) consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the commissioner in STEP FIVE of section 42(a) of this rule.

(Water Pollution Control Board; 327 IAC 8-2-39; filed Aug 24, 1994, 8:15 a.m.: 18 IR 73; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 532; filed Oct 26, 2001, 4:55 p.m.: 25 IR 772)

SECTION 4. 327 IAC 8-2-40 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-40 Applicability of corrosion control treatment steps to small, medium size, and large water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 40. (a) Systems shall complete the applicable corrosion control treatment requirements described in section 41 of this rule by the deadlines established as follows:

(1) A large system (serving more than fifty thousand (50,000) persons) shall complete the corrosion control treatment steps specified in subsection (d) unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3).

(2) A small system (serving less than or equal to three thousand three hundred (3,300) persons) and a medium size system (serving more than three thousand three hundred (3,300) and less than or equal to fifty thousand (50,000) persons) shall complete the corrosion control treatment steps specified in subsection (e), unless it is deemed to have optimized corrosion control under subsection (b)(1), (b)(2), or (b)(3).

(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one (1) of the ~~following~~ criteria **in this subdivision. Any such system deemed to have optimized corrosion control and having treatment in place shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the commissioner determines appropriate to ensure optimal corrosion control treatment is maintained as follows:**

(1) A small or medium size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two (2) consecutive six (6) month monitoring periods conducted in accordance with section 37 of this rule.

(2) Any water system may be deemed by the commissioner to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the commissioner that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the commissioner makes this determination, the commissioner shall provide the system with **a** written notice explaining the basis for the decision and shall specify water quality control parameters representing optimal corrosion control in accordance with section 41(f) of this rule. **A water system deemed to have optimized corrosion control shall operate in compliance with commissioner-designated water quality control parameters in accordance with section 41(g) of this rule and continue to conduct lead and copper tap and water quality parameter sampling in accordance with section 37 of this rule.** A system shall provide the following information to the commissioner in order to support a determination under this subsection:

(A) The results of all test samples collected for each of the water quality parameters in section 41(c)(3) of this rule.

(B) A report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in section 42(c)(1) of this rule, the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment.

(C) A report explaining how corrosion control has been installed and how it is being maintained to ensure minimal lead and copper concentrations at consumers' taps.

(D) The results of tap water samples collected in accordance with section 37 of this rule at least once every six (6) months for one (1) year after corrosion control has been installed.

(3) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring in accordance with section 37 of this rule and source water monitoring conducted in accordance with section 39 of this rule that demonstrates for two (2) consecutive six (6) month periods that the difference between the ninetieth percentile tap water lead level computed under section 36(c)(3) of this rule and the highest source water lead concentration is less than the practical quantitation level for lead specified in section 45(a)(1)(B) of this rule. **Criteria for optimal corrosion control are as follows:**

(A) A water system whose highest source water lead level is below the method detection limit may also be deemed to have optimized corrosion control if the ninetieth percentile tap water lead level is less than or equal to the practical quantitation level for lead for two (2) consecutive six (6) month monitoring periods.

(B) A water system deemed to have optimized corrosion control shall continue monitoring for lead and copper at the tap no less frequently than once every three (3) calendar years using the reduced number of sites specified in section 37(c) of this rule and collecting the samples at times and locations specified in section 37(d)(4)(D) of this rule.

(C) A water system deemed to have optimized corrosion control shall notify the commissioner in writing pursuant to section 46(c) of this rule of any change in treatment or the addition of a new source. The commissioner may require any such system to conduct additional monitoring or to take other action the commissioner deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

(D) On or after July 12, 2001, a system that is deemed not to have optimized corrosion control shall implement corrosion control treatment pursuant to this section unless it meets the copper action level.

(E) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control shall implement corrosion control treatment in accordance with the deadlines in subsection (e). Any such large system shall adhere to the schedule specified for medium size systems with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control.

(c) Any small or medium size system that is required to complete the corrosion control steps due to its exceeding the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two (2) consecutive monitoring periods conducted under section 37 of this rule and submits the results to the commissioner. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the commissioner, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The commissioner may require a system to repeat treatment steps previously completed by the system where it has been determined by the commissioner that this is necessary to implement properly the treatment requirements of this section. The commissioner shall notify the system in writing of such a determination and explain the basis for the decision. The requirement for any small or medium size water system to implement corrosion control treatment steps in accordance with subsection (e) (including systems deemed to have optimized corrosion control under subsection (b)(1)) is triggered whenever any small or medium size water system exceeds the lead or copper action level.

(d) Except as provided in subsection (b)(2) and (b)(3), large systems shall complete the following corrosion control treatment steps (described in the referenced portions of sections 37, 38, and 41 of this rule) by the indicated dates:

STEP ONE: The system shall conduct initial monitoring (as required by sections 37(d)(1) and 38(c) of this rule) during two (2) consecutive six (6) month monitoring periods by January 1, 1993.

STEP TWO: The system shall complete corrosion control studies (as required by section 41(c) of this rule) by July 1, 1994.

STEP THREE: The commissioner shall designate optimal corrosion control treatment (as required by section 41(d) of this rule) by January 1, 1995.

STEP FOUR: The system shall install optimal corrosion control treatment (as required by section 41(e) of this rule) by January 1, 1997.

STEP FIVE: The system shall complete follow-up sampling (as required by sections 37(e) and 38(d) of this rule) by January 1, 1998.

STEP SIX: The commissioner shall review installation of treatment and designate optimal water quality control parameters (as required by section 41(f) of this rule) by July 1, 1998.

STEP SEVEN: The system shall operate in compliance with the optimal water quality control parameters specified by the commissioner (as required by section 41(g) of this rule) and continue to conduct tap sampling (as required by sections 37(d)(3) and 38(e) of this rule).

(e) Except as provided in subsection (b), small and medium size systems shall complete the following corrosion control treatment steps by the indicated time periods:

STEP ONE: The system shall conduct initial tap sampling until the system either exceeds the lead and copper action level or becomes eligible for reduced monitoring under section 37(d)(4) of this rule. A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment within six (6) months after it exceeds one (1) of the action levels.

STEP TWO: Within twelve (12) months after a system

exceeds the lead or copper action level, the commissioner may require the system to perform corrosion control studies. If the commissioner does not require the system to perform such studies, optimal corrosion control treatment shall be specified by the commissioner within the following time frames:

(A) For medium size systems, within eighteen (18) months after such system exceeds the lead or copper action level.

(B) For small systems, within twenty-four (24) months after such system exceeds the lead or copper action level.

STEP THREE: If the commissioner requires a system to perform corrosion control studies under STEP TWO, the system shall complete the studies within eighteen (18) months after the commissioner requires that such studies be conducted.

STEP FOUR: If the system has performed corrosion control studies under STEP TWO, the commissioner shall designate optimal corrosion control treatment within six (6) months after completion of STEP THREE.

STEP FIVE: The system shall install optimal corrosion control treatment within twenty-four (24) months after the commissioner designates optimal corrosion control treatment.

STEP SIX: The system shall complete follow-up sampling within thirty-six (36) months after the commissioner designates optimal corrosion control treatment.

STEP SEVEN: The commissioner shall review the system's installation of treatment and designate optimal water quality control parameters within six (6) months after completion of STEP SIX.

STEP EIGHT: The system shall operate in compliance with the optimal water quality control parameters designated by the commissioner and continue to conduct tap sampling.

(Water Pollution Control Board; 327 IAC 8-2-40; filed Aug 24, 1994, 8:15 a.m.: 18 IR 74; filed Oct 24, 1997, 4:30 p.m.: 21 IR 942; filed Oct 26, 2001, 4:55 p.m.: 25 IR 774)

SECTION 5. 327 IAC 8-2-41 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-41 Corrosion control treatment

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 41. (a) Each system shall complete the corrosion control treatment requirements described in this section ~~which~~ **that** are applicable to such system under section 40 of this rule. Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium size water systems exceeding the lead or copper action level shall recommend installation of one (1) or more of the corrosion control treatments listed in subsection (c)(1) ~~which~~ **that** the system believes constitutes optimal corrosion control for that system. The commissioner may require the system to conduct additional water quality parameter monitoring in accordance with section 38(c) of this rule to assist the commissioner in reviewing the system's recommendation.

(b) The commissioner may require any small or medium size system that exceeds the lead or copper action level to perform corrosion control studies under subsection (c) to identify optimal corrosion control treatment for the system.

(c) Requirements for the performance of corrosion control studies shall be as follows:

(1) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:

(A) Alkalinity and pH adjustment.

(B) Calcium hardness adjustment.

(C) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

(2) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on analogous treatments with other systems of similar size, water chemistry, and distribution system configuration.

(3) The water system shall measure the following water quality parameters in any tests conducted under subdivision (2) before and after evaluating the corrosion control treatments listed in subdivision (1):

(A) Lead.

(B) Copper.

(C) pH.

(D) Alkalinity.

(E) Calcium.

(F) Conductivity.

(G) Orthophosphate (when an inhibitor containing a phosphate compound is used).

(H) Silicate (when an inhibitor containing a silicate compound is used).

(I) Water temperature.

(4) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one (1) of the following:

(A) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality and characteristics.

(B) Data and documentation demonstrating that a water system has previously attempted to evaluate a particular corrosion control treatment and has found the treatment is ineffective or adversely affects other water quality treatment processes, or both.

(5) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(6) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the

commissioner in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in subdivisions (1) through (5).

(d) Requirements for the designation of optimal corrosion control treatment shall be as follows:

(1) Based upon consideration of available information including, where applicable, studies performed under subsection (c) and a system's recommended treatment alternative, the commissioner shall either approve the corrosion control treatment option recommended by the system or designate alternative corrosion control treatments from among those listed in subsection (c)(1). When designating optimal treatment, the commissioner shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(2) The commissioner shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the commissioner requests additional information to aid the review, the water system shall provide the information.

(e) Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the commissioner under subsection (d).

(f) The commissioner shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the commissioner in subsection (d). Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the commissioner shall designate the following:

(1) A minimum value or range of values for pH measured at each entry point to the distribution system.

(2) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than seven (7.0) unless the commissioner determines that meeting a pH level of seven (7.0) is not technologically feasible or is not necessary for the system to optimize corrosion control.

(3) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the commissioner determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system.

(4) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity measured at each entry point to the distribution system and in all tap samples.

(5) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium measured in all tap samples.

The values for the applicable water quality control parameters listed in this subsection shall be those the commissioner determines to reflect optimal corrosion control treatment for the system. The commissioner may designate values for additional water quality control parameters determined by the commissioner to reflect optimal corrosion control for the system. The commissioner shall notify the system in writing of these determinations and explain the basis for the decisions.

(g) All systems **optimizing corrosion control** shall **continue to operate and** maintain **optimal corrosion control treatment, including maintaining** water quality parameter values at or above minimum values or within ranges designated by the commissioner under subsection (f) in ~~each sample~~ **all samples** collected under section ~~38(c)~~ **38(d) through 38(f)** of this rule. ~~If the water quality parameter value of any sample is below the minimum value or outside the range designated by the commissioner, then the system is out of~~ Compliance with ~~this subsection.~~ **the requirements shall be determined every six (6) months,** as specified in section ~~38(c)~~ **38(d)** of this rule. ~~the~~ **A water** system ~~may take a confirmation sample for any water quality parameter value no later than three (3) days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under this subsection.~~ **is out of compliance with the requirements for a six (6) month period if it has excursions for any commissioner-specified parameter for more than nine (9) days during the period. An excursion occurs whenever the daily value for one (1) or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the commissioner.** The commissioner ~~has the discretion to~~ **may** delete results of obvious sampling errors from this calculation. **Daily values are calculated as follows:**

(1) On days when more than one (1) measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.

(2) On days when only one (1) measurement for the water quality parameter is collected at the sampling location, the daily value shall be the results of that measurement.

(3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(h) Upon its own initiative or in response to a request by a

water system or other interested party, the commissioner may modify its determination of the optimal corrosion control treatment under subsection (d) or optimal water quality control parameters under subsection (f). A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The commissioner may modify the determination where the commissioner concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the commissioner's decision, and provide an implementation schedule for completing the treatment modifications. *(Water Pollution Control Board; 327 IAC 8-2-41; filed Aug 24, 1994, 8:15 a.m.: 18 IR 75; filed Oct 26, 2001, 4:55 p.m.: 25 IR 776)*

SECTION 6. 327 IAC 8-2-43 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-43 Lead service line replacement

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 43. (a) Systems that fail to meet the lead action level in tap samples taken under section 37(d)(2) of this rule, after installing corrosion control treatment or source water treatment, or both (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of section 40 or 42 of this rule for failure to install source water or corrosion control treatment, the commissioner may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under section 37(d)(2) of this rule has passed.

(b) A system shall replace annually at least seven percent (7%) of the initial number of lead service lines in **its distribution system. The initial number of lead service lines is the number of lead service lines in** place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, **including an identification of the portion or portions owned by the system,** based upon a materials evaluation, including the evaluation required under section 37(a) of this rule **and relevant legal authorities, for example, to contracts and local ordinances, regarding the portion owned by the system.** The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in subsection (a).

(c) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken under section 37(b)(3) of this rule, is less than or equal to fifteen-thousandths (0.015) milligram per liter.

(d) A water system shall replace ~~the entire service line (up to the building inlet) unless it demonstrates to the satisfaction of the commissioner under subsection (c) that it controls less than the entire service line. In such cases, the system shall replace the portion of the line which the commissioner determines is under the system's control.~~ **that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line,** the system shall notify the ~~user served by~~ **owner of** the line, **or the owner's authorized agent,** that the system will replace the portion of the service line ~~under its control~~ **that it owns** and shall offer to replace the ~~building~~ owner's portion of the line. ~~but~~ **A system** is not required to bear the cost of replacing the ~~building owner's~~ **privately-owned** portion of the line, ~~For buildings where only a portion of the line is replaced, the water system shall inform the residents that the system will collect a first flush tap water sample after partial replacement of the service line is completed if the residents so desire. In cases where the residents accept the offer, the system shall collect the sample and report the results to the residents within fourteen (14) days following partial lead service line replacement.~~ **nor is it required to replace the privately-owned portion of the line where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion of the line would be precluded by state, local, or common law. A water system that does not replace the entire length of the service line also shall complete the following:**

(1) At least forty-five (45) days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident or residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The commissioner may allow the water system to provide notice less than forty-five (45) days prior to commencing partial lead service line replacement where such replacement is in conduction with emergency repairs. In addition, the water system shall inform the resident or residents served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under section 37(b)(3) of this rule, within seventy-two (72) hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the resident or residents served by the line within three (3) business days of receiving the results. Mailed notices postmarked within three (3) business days of receiving the result shall be considered on time.

(2) The water system shall provide the information required by this subsection to the residents of individual dwellings by mail or other methods approved by the commissioner. In instances where multifamily dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

~~(c) A water system is presumed to control the entire lead service line (up to the building inlet) unless the system demonstrates to the satisfaction of the commissioner, in a letter submitted under section 46(c)(4) of this rule that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts, or other applicable legal authority):~~

~~(1) Authority to set standards for construction, repair, or maintenance of the line.~~

~~(2) Authority to replace, repair, or maintain the service line.~~

~~(3) Ownership of the service line.~~

~~The commissioner shall review the information supplied by the system and determine whether the system controls less than the entire service line and, in such cases, shall determine the extent of the system's control. The commissioner's determination shall be in writing and explain the basis for the decision.~~

~~(f)~~ **(e)** The commissioner may require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where a shorter replacement schedule is feasible. The commissioner shall make this determination in writing and notify the system of the determination within six (6) months after the system is triggered into lead service line replacement based on monitoring referenced in subsection (a).

~~(g)~~ **(f)** Any system may cease replacing lead service lines whenever first draw samples collected under section 37(d)(3) of this rule meet the lead action level during each of two (2) consecutive monitoring periods and the system submits the results to the commissioner. If the lead tap samples in any such water system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines under subsection (b).

~~(h)~~ **(g)** To demonstrate compliance with subsections (a) through (d), a system shall report to the commissioner the information specified in section 46(e) of this rule. *(Water Pollution Control Board; 327 IAC 8-2-43; filed Aug 24, 1994, 8:15 a.m.: 18 IR 78; filed Oct 24, 1997, 4:30 p.m.: 21 IR 944; filed Oct 26, 2001, 4:55 p.m.: 25 IR 778)*

SECTION 7. 327 IAC 8-2-44 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-44 Public education and supplemental monitoring; lead and copper

Authority: IC 13-1-3-4; IC 13-7-2-15; IC 13-7-7-5; IC 13-7-14-5
Affected: IC 13-7

Sec. 44. (a) A water system that exceeds the lead action level based on tap water samples collected in accordance with section 37 of this rule shall deliver the public education materials contained in ~~subsections~~ **the following requirements and subsection** (b) ~~and (c)~~ in accordance with the requirements in subsection ~~(d).~~ **(c):**

~~(b)~~ **(1)** A **community** water system shall include the text as established in this ~~subsection~~ **subdivision** in all the printed materials it distributes through its lead public education program. **A system may delete information pertaining to lead service lines, upon approval of the commissioner, if no lead service lines exist anywhere in the water system service area. Public education language at clause (D)(ii)(EE) and (D)(iv)(BB) may be modified regarding building permit record availability and consumer access to these records, if approved by the commissioner. A system may also continue to use preprinted public education materials that meet previous versions of this rule.** Any additional information presented by a system shall be consistent with the following information and be in plain English that can be understood by lay persons:

~~(1) Introduction.~~ **(A)** The Indiana department of environmental management (IDEM) and (insert name of water supplier) are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the action level of fifteen (15) parts per billion or fifteen-thousandths (0.015) milligram of lead per liter of water. Under state law, we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace each lead service line that we control if the line contributes lead concentrations of more than fifteen (15) parts per billion after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation, please give us a call at (insert water systems phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

~~(2) Health effects of lead.~~ **(B)** Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain, and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development in growing bodies. In addition, a child at play often comes in contact with sources of lead contamination, like dirt and dust, that rarely affect an adult. It is important to wash children's hands and toys often, and try to make sure they only put food in their mouths.

~~(3)~~ **(C) The following information is known about** lead in drinking water:

~~(A)~~ **(i)** Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of

infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up twenty percent (20%) or more of a person's total exposure to lead.

~~(B)~~ **(ii)** Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than two-tenths percent (0.2%) lead and restricted the lead content of faucets, pipes, and other plumbing material to eight percent (8%).

~~(C)~~ **(iii)** When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

~~(4)~~ **(D) The following are** steps you can take in the home to reduce exposure to lead in drinking water:

~~(A)~~ **(i)** Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains high concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call (insert phone number of water system).

~~(B)~~ **(ii)** If a water test indicates that the drinking water drawn from a tap in your home contains lead above fifteen (15) parts per billion, then you should take the following precautions:

~~(i)~~ **(AA)** Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six (6) hours. The longer the water resides in your home's plumbing, the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about fifteen (15) to thirty (30) seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one (1) minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one (1) or two (2) gallons of water and costs less than (insert a cost estimate based on two (2) times a day for thirty (30) days) per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more and sometimes longer pipes than in smaller buildings. Ask your landlord for help in finding the source of lead and for advice on reducing the lead level.

~~(ii)~~ **(BB)** Try not to cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw it from the cold tap and heat it on the stove.

~~(iii)~~ **(CC)** Remove loose lead solder and debris from the plumbing materials in newly constructed homes, or homes where the plumbing has been recently replaced, by removing the faucet strainers from all taps and running the water for three (3) to five (5) minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

~~(iv)~~ **(DD)** If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, contact the plumber who did the work and request that he or she replace the solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the Indiana department of environmental management about the violation.

~~(v)~~ **(EE)** Determine whether the service line that connects your home or apartment to the water main is made of lead. The best way to determine ~~this~~ **if your service line is made of lead** is ~~to hire~~ **by either hiring** a licensed plumber to inspect the line or by contacting the plumbing contractor ~~that~~ **who** installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be kept in the files of (insert the department that handles building permits). A licensed plumber can, at the same time, check to see if your home's plumbing contains lead solder, lead pipes, or **pipe** fittings that contain lead. The public water system that delivers the water to your home should also maintain records of the materials **located** in the distribution system. If the service line that connects your dwelling to the water main contributes more than fifteen (15) parts per billion to drinking water, after our comprehensive treatment program is in place, we are required to replace the line. If the line is only partially ~~controlled~~ **owned** by the (insert name of the water system that ~~controls~~ **owns** the line), we are required to provide ~~you~~ **the owner of the privately-owned portion of the line** with information on how to

replace ~~your~~ **the privately-owned** portion of the service line, **and** offer to replace that portion of the line at ~~your~~ **the owner's** expense. **If we replace only the portion of the line that we own, we are also required to notify you in advance** and **provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to** take a follow-up ~~tap water~~ sample within ~~fourteen (14) days~~ **seventy-two (72) hours** of the **partial** replacement, **and to mail or otherwise provide you with the results of that sample within three (3) business days of receiving the results.** Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

~~(vi)~~ **(FF)** Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine whether your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself, because improper wiring can cause electrical shock and fire hazards.

~~(C)~~ **(iii)** The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead in excess of fifteen (15) parts per billion after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

~~(i)~~ **(AA)** Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however, all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

~~(ii)~~ **(BB)** Purchase bottled water for drinking and cooking.

~~(D)~~ **(iv)** You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

~~(i)~~ **(AA)** (insert the name of city or county department of public utilities) at (insert phone number) can provide you with information about your community's water supply and a list of local laboratories that have been certified by the state for testing water quality;

~~(ii)~~ **(BB)** (insert the name of city or county department that issues building permits) at (insert phone number) can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

~~(iii)~~ **(CC)** (insert name of the state department of public health) at (insert phone number) or the (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead and how you can have your child's blood tested.

~~(E)~~ **(v)** The following is a list of some state approved laboratories in your area that you can call to have your water tested for lead. (Insert names and addresses of at least two (2) laboratories.)

(2) A nontransient noncommunity water system shall either include the text specified in subdivision (1) or shall include the following text in all of the printed materials it distributes through its public education program. Water systems may delete information pertaining to lead service lines upon approval of the commissioner if no lead service lines exist anywhere in the water system service area. Any additional information presented by a system shall be in plain English that can be easily understood and is consistent with the following information:

(A) The Indiana department of environmental management (IDEM) and (insert name of water supplier) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the action level of fifteen (15) parts per billion (ppb), or fifteen-thousandths (0.015) milligram per liter (mg/l). Under state law, we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes more than fifteen (15) ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation, please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(B) Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain, and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that would not hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination, like dirt and dust, that

rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(C) The following explains lead contamination in drinking water:

(i) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up twenty percent (20%) or more of a person's total exposure to lead.

(ii) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than two-tenths percent (0.2%) lead, and restricted the lead content of faucets, pipes, and other plumbing materials to eight and zero-tenths percent (8.0%).

(iii) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first draw water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(D) The following are steps you can take to reduce exposure to lead in drinking water:

(i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six (6) hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about fifteen (15) to thirty (30) seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one (1) gallon of water.

(ii) Do not cook with or drink water from the hot water tap. Hot water can dissolve lead more quickly than cold water. If you need hot water, draw water from the cold water tap and then heat it.

(iii) The steps described in items (i) and (ii) will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(iv) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(AA) (insert name or title of facility official if appropriate) at (insert phone number) can provide you with information about your facility's water supply; and

(BB) (insert name or the Indiana state department of health) at (insert phone number) or (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead.

~~(c)~~ **(b)** A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

(1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert free or cost in dollars per sample). You can contact the (insert the name of the city or water system) for information on testing and on simple ways to reduce your exposure to lead in drinking water.

(2) To have your water tested for lead or to get more information about this public health concern, please call (insert the phone number of the city or water system).

~~(d)~~ **(c)** Requirements for delivery of a public education program shall be as follows:

(1) In communities where a significant portion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language.

(2) A community water system that ~~fails to meet~~ **exceeds** the lead action level on the basis of tap water samples collected in accordance with section 37 of this rule, **and that is not already repeating public education pursuant to subdivision (3), (7), or (8),** shall, within sixty (60) days, do the following:

(A) Insert ~~policies~~ **notices** in each customer's water utility bill containing the information in subsection ~~(b),~~ **(a)(1),** along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION.". **A community water system that has a billing cycle that does not include a billing within sixty (60) days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its**

billing system, may use a separate mailing to deliver the information in subsection (a)(1) as long as the information is delivered to each customer within sixty (60) days of exceeding the action level. Such water systems shall also include the alert language specified in this clause.

(B) Submit the information in subsection ~~(b)~~ **(a)(1)** to the editorial department **or departments** of the major daily and weekly newspapers circulated throughout the community.

(C) Deliver pamphlets or brochures, or both, that contain the public education materials in subsections *[sic., subsection]* ~~(b)(2) and (b)(4)~~ **(a)(1)(B) and (a)(1)(D)** to facilities and organizations, including the following:

(i) Public schools and local school boards.

(ii) City or county health department.

(iii) Women, infants, and children and head start programs, whenever available.

(iv) Public or private hospitals and clinics.

(v) Pediatricians.

(vi) Family planning clinics.

(vii) Local welfare agencies.

(D) Submit the public service announcement in subsection (b) to at least five (5) of the radio and television stations with the largest audiences that broadcast to the community served by the water system.

(3) A community water supply system shall repeat the tasks contained in subdivision (2)(A) through (2)(C) every twelve (12) months, and the tasks contained in subdivision (2)(D) every six (6) months for as long as the system exceeds the lead action level.

(4) Within sixty (60) days after it exceeds the lead action level, **unless it is already repeating public education tasks pursuant to subdivision (5),** a nontransient noncommunity water system shall deliver the public education materials contained in subsection ~~(b)(1), (b)(2), and (b)(4)~~ **(a)(1) or (a)(2)** as follows:

(A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system.

(B) Distribute informational pamphlets or brochures, or both, on lead in drinking water to each person served by the nontransient noncommunity water system.

The commissioner may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(5) A nontransient noncommunity water system shall repeat the tasks contained in subdivision (4) at least once during each calendar year in which the system exceeds the lead action level.

(6) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six (6) month monitoring period conducted under section 37 of this rule. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(7) A community water system may apply to the commissioner, in writing, to use the text specified in subsection (a)(2) in lieu of the text in subsection (a)(1) and to perform the tasks listed in subdivisions (4) and (5) in lieu of the tasks in subdivisions (2) and (3) if the following conditions are met:

(A) The system provides water as part of the costs of services provided and does not separately charge for water consumption.

(B) A community water system serving three thousand three hundred (3,300) or fewer people may omit the task contained in subdivision (2)(D). As long as the information contained in subsection (a)(1) to every household served by the system, such systems may further limit their public education program as follows:

(i) Systems serving five hundred (500) or fewer people may omit the requirement in subdivision (2)(B). Such a system may limit the distribution of the public education materials required under subdivision (2)(C) to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the commissioner in writing that it must make a broader distribution.

(ii) If approved by the commissioner in writing, a system serving five hundred one (501) to three thousand three hundred (3,300) people may omit the requirement of subdivision (2)(B) or may limit the distribution of the public education materials required under subdivision (2)(C), or both, to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(C) A community water system serving three thousand three hundred (3,300) or fewer people that delivers public education in accordance with clause (A) shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.

~~(c)~~ **(d)** A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with section 37 of this rule shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, and the system is not required to collect and analyze the sample itself. *(Water Pollution Control Board; 327 IAC 8-2-44; filed Aug 24, 1994, 8:15 a.m.: 18 IR 79; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 532; filed Oct 26, 2001, 4:55 p.m.: 25 IR 779; errata filed Oct 30, 2001, 10:50 a.m.: 25 IR 813)*

SECTION 8. 327 IAC 8-2-46, AS AMENDED AT 24 IR 3980, SECTION 20, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-46 Reporting requirements; lead and copper

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 46. (a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring shall be as follows:

(1) **Except as provided in clause (G),** a water system shall report the following information for all tap water samples within the first ten (10) days following the end of each applicable monitoring period specified in sections 37 and 38 of this rule, **that is,** every six (6) months, annually, ~~or~~ every three (3) years, **or every nine (9) years:**

(A) The results of all tap samples for lead and copper, including the location of each site and the criteria under section 37(a)(3) through 37(a)(7) of this rule, or any under which the site was selected for the system's sampling pool.

(B) ~~A certification that each first draw sample collected by the water system is one (1) liter in volume and, to the best of their knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six (6) hours.~~ **Documentation for each tap water lead or copper sample for which the system requests an invalidation pursuant to section 37(f)(2) of this rule.**

~~(C) Where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in section 37(b)(2) of this rule.~~

~~(D)~~ **(C)** The ninetieth percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each monitoring period (calculated in accordance with section 36(c)(3) of this rule **unless the commissioner calculates the system's ninetieth percentile lead and copper levels under subsection (h)**.

~~(E)~~ **(D)** With the exception of initial tap sampling conducted under section 37(d)(1) of this rule, the system shall designate any site which was not sampled during previous monitoring periods and include an explanation of why sampling sites have changed.

~~(F)~~ **(E)** The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under section 38(c) through 38(f) of this rule.

~~(G)~~ **(F)** The results of all samples collected at the entry point to the distribution system for applicable water quality parameters under section 38(c) through 38(f) of this rule.

(G) A water system shall report the results of all water quality parameter samples collected under section 38(c) through 38(f) of this rule during each six (6) month monitoring period specified in section 38(d) of this rule within the first ten (10) days following the end of the monitoring period unless the commissioner has specified a more frequent reporting requirement.

~~(2) By the applicable date in section 37(d)(1) of this rule for commencement of monitoring, each community water system which does not complete its targeted sampling pool with tier one (1) sampling sites meeting the criteria in section 37(a)(3) of this rule shall send a letter to the commissioner justifying its selection of tier two (2) or tier three (3) sampling sites, or both, under section 37(a)(4) or 37(a)(5) of this rule, or both.~~

~~(3) By the applicable date in section 37(d)(1) of this rule for commencement of monitoring, each nontransient noncommunity water system which does not complete its sampling pool with tier one (1) sampling sites meeting the criteria in section 37(a)(6) of this rule shall send a letter to the commissioner justifying its selection of sampling sites under section 37(a)(7) of this rule.~~

~~(4) By the applicable date in section 37(d)(1) of this rule for commencement of monitoring, each water system with lead service lines that is not able to locate the number of sites served by such lines required under section 37(a)(9) of this rule shall send a letter to the commissioner demonstrating why it was unable to locate a sufficient number of sites based on the information listed in section 37(a)(2) of this rule.~~

(2) For a nontransient noncommunity water system or a community water system meeting the criteria of section 44(c)(7)(A) and 44(c)(7)(B) of this rule, that does not have enough taps that can provide first-draw samples, the system must do either of the following:

(A) Provide written documentation to the commissioner identifying standing times and locations for enough nonfirst-draw samples to make up its sampling pool under section 37(b)(5) of this rule by the start of the first applicable monitoring period under section 37(d) of this rule that commences after April 11, 2000, unless the commissioner has waived prior approval of nonfirst-draw sample sites selected by the system pursuant to section 37(b)(5) of this rule.

(B) If the commissioner has waived prior approval of nonfirst-draw sample sites selected by the system, identify, in writing, each site that did not meet the six (6) hour minimum standing time and the length of the standing time for that particular substitute sample collected pursuant to section 37(b)(5) of this rule and include this information with the lead and copper tap sample results required to be submitted pursuant to subdivision (1)(A).

(3) No later than sixty (60) days after the addition of a new source or any change in water treatment unless the commissioner requires earlier notification, a water system deemed to have optimized corrosion control under section 40(b)(3) of this rule, a water system subject to reduced monitoring pursuant to section 37(d)(4) of this rule, or a water system subject to a monitoring waiver pursuant to section 37(g) of this rule, shall send written documentation to the commissioner describing the change. In those instances where prior approval by the commissioner of the treatment change or new source is not required, water systems are encouraged to provide the notification to the commissioner beforehand to minimize the risk the

treatment change or new source will adversely affect optimal corrosion control.

(4) Any small system applying for a monitoring waiver under section 37(g) of this rule, or subject to a waiver granted pursuant to section 37(g)(3) of this rule, shall provide the following information to the commissioner in writing by the specified deadline:

(A) By the start of the first applicable monitoring period in section 37(d) of this rule, any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of section 37(g)(1) and 37(g)(2) of this rule.

(B) No later than nine (9) years after the monitoring previously conducted pursuant to section 37(g)(2) or 37(g)(4)(A) of this rule, each small system desiring to maintain its monitoring waiver shall provide the information required by section 37(g)(4)(A) and 37(g)(B) *[of this rule]***.**

(C) No later than sixty (60) days after it becomes aware that it is no longer free of lead or copper containing materials, or both, each small system with a monitoring waiver shall provide written notification to the commissioner, setting forth the circumstances resulting in the lead or copper containing materials or both, being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(D) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000, and that has not previously met the requirements of section 37(g)(2) of this rule shall provide the information required.

(5) Each **ground** water system that ~~requests that the commissioner reduce the number and frequency of sampling~~ **limits water quality parameter monitoring to a subset of entry points under section 38(d)(3) of this rule** shall provide, ~~the information required under section 37(d)(4) of this rule.~~ **by the commencement of such monitoring, written correspondence to the commissioner that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.**

(b) Source water monitoring reporting requirements shall be as follows:

(1) A water system shall report the sampling results for all source water samples collected in accordance with section 39 of this rule within the first ten (10) days following the end of each source water monitoring period, ~~(i.e.,~~ **that is,** annually, per compliance period, per compliance cycle, specified in section 39 of this rule.

(2) With the exception of the first round of source water sampling conducted under section 39(b) of this rule, the system shall specify any site which was not sampled during previous monitoring periods and include an explanation of why the sampling point has changed.

(c) This subsection establishes requirements for corrosion control treatment reporting. By the applicable dates under section 40 of this rule, systems shall report the following information:

(1) For systems demonstrating that they already have optimized corrosion control, information required in section 40(b)(2) or 40(b)(3) of this rule.

(2) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under section 41(a) of this rule.

(3) For systems required to evaluate the effectiveness of corrosion control treatments under section 41(c) of this rule, the information required under that subsection.

(4) For systems required to install optimal corrosion control designated by the commissioner under section 41(d) of this rule, a letter certifying that the system has completed installing that treatment.

(d) This subsection establishes requirements for source water treatment reporting. By the applicable dates in section 42 of this rule, systems shall provide the following information to the commissioner:

(1) If required under section 42(b)(1) of this rule, their recommendation regarding source water treatment.

(2) For systems required to install source water treatment under section 42(b)(2) of this rule, a letter certifying that the system has completed installing the treatment designated by the commissioner within twenty-four (24) months after the commissioner designated the treatment.

(e) This subsection establishes requirements for lead service line replacement reporting. Systems shall report the following information to the commissioner to demonstrate compliance with the requirements of section 43 of this rule:

(1) Within twelve (12) months after a system exceeds the lead action level in sampling referred to in section 43(a) of this rule, the system shall demonstrate in writing to the commissioner that it has conducted a material evaluation, including the evaluation in section 37(a) of this rule, to identify the initial number of lead service lines in its distribution system, and shall provide the commissioner with the system's schedule for replacing annually at least seven percent (7%) of the initial number of lead service lines within its distribution system.

(2) Within twelve (12) months after a system exceeds the lead action level in sampling referred to in section 43(a) of this rule, and every twelve (12) months thereafter, the system shall demonstrate to the commissioner in writing that the system has done either of the following:

(A) Replaced in the previous twelve (12) months, at least seven percent (7%) of the initial lead service lines (or a greater number of lines specified by the commissioner under section ~~43(f)~~ **43(e)** of this rule) in its distribution system.

(B) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual

line, taken under section 37(b)(3) of this rule, is less than or equal to fifteen-thousandths (0.015) milligram per liter. In such cases, the total number of lines replaced and which meet the criteria in section 43(b) of this rule, shall equal at least seven percent (7%) of the initial number of lead lines identified under subsection (a) (or the percentage specified by the commissioner under section ~~43(f)~~ **43(e)** of this rule).

(3) The annual letter submitted to the commissioner under subdivision (2) shall contain the following information:

(A) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule.

(B) The number and location of each lead service line replaced during the previous year of the system's replacement schedule.

(C) If measured, the water lead concentration and location of each service line sampled, the sampling method, and the date of sampling.

~~(4) As soon as practicable, but in no case later than three (3) months after a system exceeds the lead action level in sampling referred to in section 43(a) of this rule, any system seeking to rebut the presumption that it has control over the entire lead service line under section 43(d) of this rule shall submit a letter to the commissioner describing the legal authority, such as state statutes, municipal ordinances, public service contracts, or other applicable legal authority which limits the system's control over the service lines and the extent of the system's control.~~

(4) Any system that collects lead service line samples following partial lead service line replacement required by section 43 of this rule shall report the results to the commissioner within the first ten (10) days of the month following the month when the system receives the laboratory results or as specified by the commissioner. A system shall also report any additional information as specified by the commissioner. The results shall be reported in the time and manner prescribed by the commissioner to verify that all partial lead service line replacement activities have taken place.

(f) ~~This subsection establishes~~ **The following are** requirements for public education program reporting: ~~By December 31 of each year,~~

(1) Any water system that is subject to the public education requirements in section 44 of this rule shall, ~~submit a letter~~ **within ten (10) days after the end of each period in which the system is required to perform public education tasks in accordance with section 44(c) of this rule, send written documentation** to the commissioner ~~demonstrating~~ **that contains the following information:**

(A) A demonstration that the system has delivered the public education materials that meet the content requirements in section 44(a) and 44(b) of this rule and the delivery requirements in section 44(c) of this rule. ~~This information shall include~~

(B) A list of all the newspapers, radio stations, television stations, facilities, and organizations to which the system delivered public education materials during the ~~previous year. The water system shall submit the letter required by this subsection annually for as long as it exceeds the lead action level.~~ **period in which the system was required to perform the public education tasks.**

(2) Unless required by the commissioner, a system that previously submitted the information required by subdivision (1)(B), as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(g) Any system that collects sampling data in addition to that required by sections 36 through 45 of this rule, this section, and section 47 of this rule shall report the results to the commissioner within the first ten (10) days following the end of the applicable monitoring period under sections 37 through 39 of this rule during which the samples are collected.

(h) A water system is not required to report the ninetieth percentile lead and copper concentrations measured from among all lead and copper tap water samples collected in each monitoring period as required by subsection (a)(1)(C) if the following conditions are met:

(1) The commissioner has previously notified the water system that it will calculate the water system's ninetieth percentile lead and copper concentrations, based on the lead and copper results submitted pursuant to subdivision (2)(A), and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples.

(2) The system has provided the following information to the commissioner by the date specified in subdivision (1):

(A) The results of all tap samples for lead and copper including the location of each site and the criteria under section 37(a)(3), 37(a)(4), 37(a)(5), 37(a)(6), or 37(a)(7) of this rule, under which the site was selected for the system's sampling pool, pursuant to subsection (a)(1)(A).

(B) An identification of the sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed.

(3) The commissioner has provided the results of the ninetieth percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

~~(i) The information required by this section shall be submitted to the commissioner using the methods specified in section 13(c) of this rule.~~ *(Water Pollution Control Board; 327 IAC 8-2-46; filed Aug 24, 1994, 8:15 a.m.: 18 IR 84; filed Oct 24, 1997, 4:30 p.m.: 21 IR 945; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3980; filed Oct 26, 2001, 4:55 p.m.: 25 IR 784; errata filed Oct 30, 2001, 10:50 a.m.: 25 IR 813)*

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TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

LSA Document #00-135(F)

DIGEST

Amends 328 IAC 1, which governs the administration of the Underground Storage Tank Excess Liability Trust Fund (ELTF) and the payment of claims thereunder, to reflect the expiration of the 1998 deadline for upgrade of underground petroleum storage tanks (USTs) and legislative changes made by HEA 2041. Amends the cost schedule for reimbursement and adds updates of statutory references. Repeals 328 IAC 1-1-5, 328 IAC 1-1-11, and 328 IAC 2. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: July 1, 2000, Indiana Register (23 IR 2614).

Second Notice of Comment Period: February 1, 2001, Indiana Register (24 IR 1520).

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Notice of First Hearing: February 1, 2001, Indiana Register (24 IR 1520).

Date of First Hearing: March 20, 2001.

Proposed Rule and Notice of Second Hearing: May 1, 2001, Indiana Register (24 IR 2498).

Date of Second Hearing: July 10, 2001.

Finally Adopted: July 10, 2001.

SECTION 1. 328 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

ARTICLE 1. PAYMENT OF CORRECTIVE ACTION AND THIRD PARTY LIABILITY CLAIMS FROM THE EXCESS LIABILITY TRUST FUND

328 IAC 1-1-1 Application of definitions

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-11-2; IC 13-23

Sec. 1. The definitions in ~~this rule~~ **IC 13-11-2** apply ~~throughout~~ **to** this article. ~~All other words and phrases used in this article have the same meaning as those defined in IC 13-7-20 and 42 U.S.C. 6991 through 42 U.S.C. 6991i (and all regulations related thereto).~~ **In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 787)*

SECTION 2. 328 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-2 "Administrator" defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 2. "Administrator" refers to the administrator of the ~~excess liability~~ fund. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 787)*

SECTION 3. 328 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-3 "Corrective action" defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 3. "Corrective action" means action taken to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including emergency measures taken as part of an initial response ~~Corrective action does not include repair or replacement of an underground storage tank or its associated equipment, as specified in IC 13-7-20-33(a)(1).~~ **to the release under rules of the solid waste management board at 329 IAC 9-5-2.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 787)*

SECTION 4. 328 IAC 1-1-3.1 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-1-3.1 "Corrective action plan" or "CAP" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-3

Sec. 3.1. "Corrective action plan" or "CAP" means the corrective action plan described by rules of the solid waste management board at 329 IAC 9-5-7(a) and 329 IAC 9-5-7(b). *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-3.1; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 5. 328 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-4 "Deductible amount" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-3

Sec. 4. "Deductible amount" means the amount set forth in IC 13-23-8-3 applicable to each incident number assigned by the department. ~~to be paid by the owner or operator before being entitled to payment from the fund.~~ **A person applying to the fund under 328 IAC 1-3-1 must provide evidence of payment of the deductible amount under IC 13-23-8-4(a)(3).** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-4; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 6. 328 IAC 1-1-5.1 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-1-5.1 "Emergency measures" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 5.1. "Emergency measures" means any action that is taken at or near a petroleum release to abate an immediate threat of harm to human health, property, or the environment. The actions taken must be approved by the department prior to payment from the fund. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-5.1; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 7. 328 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-6 "Fund" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7-1; IC 13-23-8

Sec. 6. "Fund" means the **underground petroleum storage tank** excess liability trust fund established at IC 13-23-7-1. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-6; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 8. 328 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-7 "Occurrence" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 7. "Occurrence" means an incident ~~including continuous or repeated conditions,~~ that results in a release of petroleum, **including a continuous or repeated release of petroleum,** from an underground storage tank system. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-7; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 9. 328 IAC 1-1-8 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-8 "Reasonable costs" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 8. "Reasonable costs" means a monetary amount or range, as determined by the department, which is commensurate with a ~~response~~ **corrective** action when the **corrective** action was taken. Reasonable costs shall be determined by the department by a review of the following:

(1) The activities outlined in the **approved or deemed approved** corrective action plan and those activities in fact performed.

(2) The approved site characterization and those activities in fact performed.

(3) The emergency measures and those activities in fact performed.

~~(2)~~ **(4)** The scope, complexity, and timing of the ~~response~~ **corrective action** activities.

~~(3)~~ **(5)** The fair market value of the costs for services or goods within the particular market or industry where the work is performed as provided, in part, in 328 IAC 1-3-5(c).

(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-8; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; filed Nov 1, 1995, 8:30 a.m.: 19 IR 342; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)

SECTION 10. 328 IAC 1-1-8.5 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-1-8.5 "Site characterization" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 8.5. "Site characterization" means the initial site characterization described in rules of the solid waste management board at 329 IAC 9-5-5.1 and investigations described in 329 IAC 9-5-6 and may include, as necessary,

quarterly monitoring and pilot studies to determine the feasibility of remediation alternatives. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-8.5; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788)*

SECTION 11. 328 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-9 "Substantial compliance" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-4

Sec. 9. "Substantial compliance" means that, at the time a release was discovered, ~~the tank was registered under IC 13-7-20 and~~ the owner or operator had taken affirmative steps to ~~meet the requirements of the following underground petroleum storage tank laws:~~

~~(1) IC 13-7-20.~~

~~(2) Rules adopted under IC 13-7-20.~~

~~(3) 42 U.S.C. 6991 through 42 U.S.C. 6991i.~~

~~(4) Regulations adopted under 42 U.S.C. 6991 through 42 U.S.C. 6991i.~~

~~Proof of substantial compliance includes, but is not limited to, evidence of contractual agreements or other verifiable actions undertaken sufficiently in advance of a compliance date to provide a reasonable probability of meeting the terms of the statute or regulation.~~ **comply with the requirements of IC 13-23-8-4.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-9; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; filed Nov 1, 1995, 8:30 a.m.: 19 IR 343; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789)*

SECTION 12. 328 IAC 1-1-10 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-10 "Third party liability" defined
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 10. "Third party liability" is the damage a tank owner or operator is legally obligated to pay for injury, **expense, and damage** suffered by a third party as the result of a release. Third party liability includes bodily injury and property damage. **Third party liability does not include punitive or exemplary damages.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-10; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789)*

SECTION 13. 328 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-2-1 Applicability
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 1. This article implements provisions of ~~IC 13-7-20~~ **IC 13-23** for the administration of the ~~underground petroleum storage tank excess liability~~ fund. This article establishes procedures by which ~~eligible owners or operators of underground petroleum storage tanks~~ **persons listed in 328 IAC 1-3-1** may apply to the ~~excess liability~~ fund for payment of corrective action costs and third party liability claims arising from petroleum releases. **Payment of corrective action costs and third party liability claims shall be made in accordance with the following:**

(1) 328 IAC 1-3-4(b) applies to any one (1) site, upon which:

(A) an occurrence has not been reported to the department; or

(B) the corrective action has not been completed as of the effective date of this rule.

(2) The cost range or amount of the expenditure to be reimbursed by the fund, as set forth in 328 IAC 1-3-5, shall be determined as of the date the expense was initially incurred by the applicant to the fund.

(Underground Storage Tank Financial Assurance Board; 328 IAC 1-2-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789)

SECTION 14. 328 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-2-2 Fund management
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 2. The ~~underground storage tank financial assurance board~~ **administrator of the fund** shall prepare an annual report ~~of fund administration~~ to ~~be delivered to~~ the ~~environmental policy commission~~ **financial assurance board** by September 1 of each year. The report shall include the following:

(1) A financial statement detailing information for the management and oversight of the fund, including facts concerning the amount of money currently in the fund, the amount of money obligated for corrective actions and third party liability claims, and estimates of future revenue for and demands on the fund.

(2) An overview of the fund claims process.

(3) A report of the number of claims made against the fund that were approved and denied during the reporting year.

(Underground Storage Tank Financial Assurance Board; 328 IAC 1-2-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789)

SECTION 15. 328 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-2-3 Obligation of monies
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 3. (a) ~~Monies shall be obligated from the fund based on the procedures listed under 328 IAC 1-4; however, not all claims on the priority list shall be paid each claims processing period.~~ Claims shall be paid in **the** order ~~of priority ranking as the department processes them. The department shall not forward claims for payment to the auditor of state more than sixty (60) days after the closing date for receiving claims as specified in 328 IAC 1-4.~~ **received by the department unless the procedure set forth in 328 IAC 1-4-1 is applicable.**

(b) At the beginning of each **state** fiscal year, the administrator shall obligate sufficient monies for administering the fund. This amount shall be approved by the financial assurance board. ~~and based upon a budget prepared in accordance with guidelines provided by the state budget agency.~~ *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-2-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; filed May 25, 1999, 4:31 p.m.: 22 IR 3103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789)*

SECTION 16. 328 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-1 Fund access

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-4

Sec. 1. ~~(a) Only eligible tank owners or operators~~ **The following persons** may apply to the fund for payment of expenditures arising from corrective action and for indemnification of third party liability:

(1) Eligible tank owners and operators, including transferees as described in IC 13-23-8-4.

(2) Persons assigned the right of reimbursement by any person described in subdivision (1).

(3) Subsequent owners of the property upon which tanks were located, if the tanks were closed by a previous property owner, tank owner, or operator who is eligible.

~~(b) Corrective action costs and third party liability claims arising from releases reported or discovered before April 1, 1988, are not eligible for payment from the fund.~~

~~(c) Corrective action costs and third party liability claims arising out of intentional or reckless acts of the owner or operator, or their agents and employees, are not eligible for payment from the fund.~~ *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790)*

SECTION 17. 328 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-2 Fund coverage

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-4; IC 13-23-9-2; IC 13-23-9-3

Sec. 2. (a) Monies may be disbursed from the fund to ~~the eligible owner or operator~~ **persons listed in section 1 of this rule,** for ~~the following activities related to~~ **payment of** corrective action **costs in compliance with IC 13-23-8-4(a)(4) through IC 13-23-8-4(c) and IC 13-23-9-2(a) through IC 13-23-9-2(c). Site characterization costs may be disbursed from the fund to persons listed in section 1 of this rule prior to an approved or deemed approved CAP, if the work for which payment is sought is completed in accordance with rules of the solid waste management board at 329 IAC 9 or the risk integrated system of closure (RISC) standards.**

~~(1) Investigation and environmental assessment of sites contaminated by a release of petroleum.~~

~~(2) The rehabilitation of sites contaminated by a release of petroleum including, but not limited to, the clean-up of affected soils and waters using methods approved by the department.~~

~~(3) The temporary replacement and permanent restoration of potable water supplies.~~

(b) Monies may be disbursed to ~~owners or operators~~ **persons listed in section 1 of this rule** for payment of claims of liability to third parties ~~upon proper application to the administrator and approval of the claim by the attorney general.~~ **in compliance with IC 13-23-9-3.**

~~(c) Monies shall be placed in a reserve fund for the upgrade loan guaranty program established at IC 13-7-20-33.3.~~ *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790)*

SECTION 18. 328 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-3 Eligibility requirements

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 6-8.1-10-1; IC 13-23-7; IC 13-23-8-4; IC 13-23-12

Sec. 3. (a) ~~All owners or operators of underground storage tanks~~ **Persons listed in 328 IAC 1-3-1** *[section 1 of this rule]* must do the following to be eligible for reimbursement from the fund:

(1) Meet the requirements set forth in ~~IC 13-23-8-4.~~ **IC 13-23-8-4(a)(1) through IC 13-23-8-4(a)(4).**

(2) In accordance with **rules of the solid waste management board at** 329 IAC 9-4 and ~~327 IAC 2-6-2.1~~ **rules of the water pollution control board at 327 IAC 2-6.1,** communicate a spill report to the department of environmental management.

(3) Current **tank** owners or operators who have failed to pay all tank fees that are due under IC 13-23-12-1 by the date that the fees are due shall be eligible for reimbursement from the fund in accordance with subsection (b) upon payment of all past due fees, ~~and~~ interest, **and penalties.**

(4) A person who acquires ownership in accordance with subsection (e) shall be eligible for reimbursement from the fund upon timely payment of all past due tank fees, interest, and penalties in accordance with subsection (h).

(b) ~~An~~ **A tank** owner or operator who fails to pay all tank fees that are due under IC 13-23-12-1 by the date that the fees are due shall be eligible for reimbursement from the fund according to the following formula:

(1) Determine the number of payments that were owed under IC 13-23-12-1 on all regulated tanks at the facility from which a release occurred, beginning with the date that the fees for each tank first became due under IC 13-23-12 and continuing until the date on which the release occurred.

(2) Determine the number of payments actually made under IC 13-23-12-1 on all regulated tanks at the facility from which a release occurred, beginning with the date each tank became regulated under IC 13-23 and continuing until the date on which the release occurred. Divide the number of payments actually made by the number of payments due as determined in subdivision (1).

(3) Determine the amount of money ~~an owner or operator~~ **the person** would have received from the fund if all payments due on the date the release occurred had been paid when due, and multiply the amount by:

(A) the percentage determined in subdivision (2), if the percentage is fifty percent (50%) or more; or

(B) zero (0), if the percentage determined in subdivision (2) is less than fifty percent (50%).

(c) Payments that were made or could have been paid four (4) times per year under IC 13-23-12-3 count as one (1) payment for purposes of this section. Each payment made or due on each tank at a facility shall count as an additional payment for purposes of this section in figuring the total payments made or due.

(d) ~~An owner or operator~~ **Persons listed in 328 IAC 1-3-1** *[section 1 of this rule]* who ~~has~~ **have** had a claim denied for failure to register an underground petroleum storage tank from which a release has occurred or for failure to pay all registration fees that are due under IC 13-23-12-1 by the date the fees are due may resubmit the claim, regardless of whether the denial was appealed, under subsection (a). The resubmission must be in the form of a letter providing the facility identification number, the incident number, and, if an appeal was filed, a copy of a document ~~indicating that the appeal was dismissed~~ **demonstrating the resolution of the appeal.** The department has the option to settle any pending appeals ~~based on the current regulations. The settlement may be considered under 328 IAC 1-4-1 during the next available~~ **and resubmitted** claims. ~~period.~~

(e) A person who acquires ownership or operation of an underground petroleum storage tank ~~after the expiration of P.L.69-1996, SECTION 7 as a result of:~~ **under IC 13-23-8-4.5(2).**

~~(1) a bona fide, good faith transaction, negotiated at arm's length, between parties under separate ownership and control;~~

~~(2) a foreclosure or a deed transferred in lieu of a foreclosure;~~

~~(3) the exercising of the person's lien rights; or~~

~~(4) inheritance;~~

may become eligible for reimbursement from the fund by complying with subsection (f).

(f) A person described under subsection (e) may become eligible for reimbursement from the fund for any releases reported after the date that ~~IDEM~~ **the department** receives the "Intent to Acquire UST and Reinstate Eligibility" form by doing the following:

(1) Submitting ~~an Excess Liability Trust~~ **a** fund "Intent to Acquire UST and Reinstate Eligibility" form (Form) as prescribed by the commissioner at least sixty (60) days prior to acquiring ownership or operation of an ~~UST.~~ **underground petroleum storage tank.** This form will be kept confidential up to the earlier of the following:

(A) The date of the transfer of the property. ~~IDEM's~~

(B) The department's receipt of the monies provided in subsection (g). ~~or~~

(C) For up to ninety (90) days after the projected date of closure listed in the Form.

The department will provide a listing of environmental penalties, interest due to the ~~Excess Liability Trust~~ fund, and fees due, to the prospective purchaser and the property owner within forty-five (45) days of receipt of the Form.

(2) Paying all applicable tank fees, including past due fees, interest, and penalties for each tank not more than thirty (30) days after the transaction whereby the person acquires ownership or operation of each tank.

(3) The seller of the ~~UST~~ **underground petroleum storage tank** site is liable for any and all unpaid tank fees, interest, and penalties that are assessed by ~~IDEM~~ **the department** in accordance with subsection (g). ~~Within thirty (30) days after the purchaser's acquisition of the UST identified in the Form,~~ The purchaser is to collect all past due tank fees, interest, and penalties from the noncompliant seller and remit to ~~IDEM~~ **the department** the full amount of the assessment for the subject ~~UST~~ **underground petroleum storage tank** provided by ~~IDEM~~ **the department** in accordance with subsection (g) **prior to an occurrence.** The timely remittance of these monies is a condition of fund eligibility for the purchaser.

(g) ~~An owner or operator~~ **Persons listed in section 1 of this rule and** described in subsection (e) who ~~fails~~ **fail** to pay tank fees when due ~~is~~ **are** subject to ~~pay~~ **payment of** interest and penalties on those fees in order to become eligible for the fund under subsection (f). Interest and penalties due will include the following:

(1) Penalties and interest due the department of revenue.

(2) All past due underground storage tank fees under IC 13-23-12.

(3) An environmental penalty as specified in subsection

(h)(2). This penalty will be distributed into the ~~Excess Liability Trust~~ fund and into the Petroleum Trust Fund in accordance with IC 13-23-12-7(b).

(4) Interest will be charged for the missed fee(s) at the percent per year based on subsection (h) and ~~IC 6-8.1-5-2,~~ **IC 6-8.1-10-1** until all fees due have been paid in full for each tank. This interest will be deposited into the ~~Excess Liability Trust~~ fund.

Payment of all fees, interest, and penalties due within thirty (30) days of the date of transfer of the subject property is a requirement for ~~Excess Liability~~ fund eligibility for the purchaser.

(h) In addition to all past due fees owed, the amount of interest and penalties owed by a particular owner or operator is to be determined by the following formula:

(1) Interest **as follows:**

Number of Delinquent Days × Daily Interest Rate = Interest Due

~~Year~~	~~Annual Percentage~~	~~Daily Interest Rate~~
~~1990~~	~~10%~~	~~.000273~~
~~1991~~	~~10%~~	~~.000273~~
~~1992~~	~~8%~~	~~.000219~~
~~1993~~	~~8%~~	~~.000219~~
~~1994~~	~~7%~~	~~.000191~~
~~1995~~	~~6%~~	~~.000164~~
~~1996~~	~~5%~~	~~.000136~~
~~1997~~	~~7%~~	~~.000191~~

~~Other years'~~ Interest will be calculated according to ~~IC 6-8.1-5-2.~~ **IC 6-8.1-10-1.**

(2) Penalty **as follows:**

(A) For sites that were never registered, or sites for which no tank fees were paid when due, the penalty will be calculated at ~~fifty~~ **two thousand** dollars ~~($50)~~ **($2,000) under IC 13-23-12-7(a)** per petroleum underground storage tank. ~~per day.~~

(B) For all other sites, the penalty will be calculated at ~~ten~~ **one thousand** dollars ~~($10)~~ **($1,000)** per petroleum underground storage tank ~~per day.~~ **for each year that passes after the fee becomes due and before the fee is paid.**

~~(C) The penalty will be assessed from the day that the tank fee was due, until the day that the fee was paid, for each occurrence of late fee payment. Separate incidents of late or incomplete tank fee payments will be cumulative.~~

~~*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. Copies of the Indiana Department of Environmental Management Underground Storage Tank Manual (1994) may be inspected and purchased from the Department of Environmental Management, Office of Environmental Response, Western Select Properties, 2525 North Shadeland Avenue, Indianapolis, Indiana.~~ *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1104; errata, 20 IR 1593; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790)*

SECTION 19. 328 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-4 Amount of coverage

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 4. (a) **After payment of the applicable deductible amount,** the fund may pay for costs incurred by ~~an owner or operator~~ **persons listed in section 1 of this rule,** for corrective action and third party liability as specified in ~~IC 13-7-20-33(a).~~ **IC 13-23-8-1.**

(b) Regardless of the number of eligible ~~owners or operators~~ **persons listed in section 1 of this rule** at one (1) site, no more than ~~one~~ **two** million dollars ~~($1,000,000)~~ ~~less the applicable deductible amount~~ **($2,000,000)** may be ~~applied to~~ **reimbursed for** the costs, including third party liability claims, associated with a single occurrence. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-4; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1054; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 792)*

SECTION 20. 328 IAC 1-3-5 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-5 Reimbursable expenditures

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-3-2

Sec. 5. (a) ~~A tank owner or operator~~ **Persons listed in section 1 of this rule** may seek payment from the fund for the following costs related to necessary costs actually incurred in the performance of corrective action:

(1) Investigation, which includes research, field time, report writing, and clerical support.

(2) ~~Travel,~~ Lodging and per diem ~~These~~ costs will be paid in accordance with the most current Indiana department of administration financial management circular covering state travel policies and procedures. **Mileage shall be calculated at the federal rate for a privately owned automobile under 41 CFR 301-10.303, in effect on September 6, 2000. Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.**

(3) ~~An owner or operator~~ **Persons listed in section 1 of this rule** may employ a certified contractor under IC 13-23-3-2 or may use the owner's or operator's personnel to perform all or part of a corrective action. ~~If applicable, personnel working on-site must be trained in accordance with the requirements in 29 CFR 1910.120*.~~

(4) Soil and water sampling for petroleum and petroleum constituents shall be performed in accordance with ~~department guidelines.~~ **with** *[sic.]* **rules of the solid waste management board at 329 IAC 9 or the risk integrated system of closure (RISC) standards.**

(5) Expenditures for machinery and equipment must be prorated based on the normal expected life of the item and the length of time the item was used for a single corrective action. In no event will the fund pay for purchases of machinery and equipment in excess of the market cost of leasing the item for a corrective action. Examples of equipment charges which can be made to the fund are disposable bailers and sample bottles.

(6) ~~An owner or operator~~ **Persons listed in section 1 of this rule** may be reimbursed for expenditures for materials and supplies, such as disposable protective equipment, building materials (piping, cement), and preservatives.

(7) Attorney fees, not to exceed ~~ten~~ **twenty-five** percent ~~(10%)~~ **(25%)** of the total claim or ~~twenty~~ **thirty** thousand dollars ~~($20,000),~~ **($30,000),** whichever is less, shall only be payable if incurred by the owner or operator in defense of ~~litigation in~~ a third party liability claim.

(8) Governmental administrative fees for local, state, or federal permits necessary for corrective action.

(9) Provision of alternate water supply. This cost must have been previously approved by the department.

(10) Any other **reasonable** costs the department finds to be ~~reasonable and~~ necessary for corrective action or payment of a third party liability claim.

(11) Costs associated with transitioning a site to RISC will be paid if these costs would be less than the costs to complete the remediation under rules of the solid waste management board at 329 IAC 9.

(12) Markup of no more than fifteen percent (15%) will be reimbursed on all eligible costs except for the following:

(A) Travel costs, including mileage, per diem, and lodging.

(B) Personnel costs.

(C) Utilities for temporary facilities.

(D) Governmental administrative fees for local, state, or federal permits.

(E) Equipment and supplies not purchased or rented specifically for use at a facility or that are not part of the approved remedial technology.

(b) The following expenditures are ineligible for reimbursement from the fund:

(1) Costs incurred before April 1, 1988.

(2) Costs of repair, upgrading, or replacement of an underground petroleum storage tank or its associated equipment.

(3) Costs of environmental investigation and remediation not directly related to a release from a qualifying underground storage tank. Ineligible costs include the cost of testing for nonpetroleum contamination and the cost of vapor or ground water monitoring devices that are not associated with corrective action.

(4) The cost of equipment purchases other than those expenditures routinely required to implement a corrective action plan. Examples of equipment purchases ~~which~~ **that** cannot be charged to a specific site include drilling rigs, earth moving equipment, photoionization detectors, explosimeters, and hand tools.

(5) The cost of cosmetic improvements, including the repair or replacement of blacktop or concrete, unless directly associated with corrective action.

(6) Lost income or reduced property values, unless part of a third party liability claim.

(7) Interest or finance charges.

(8) Contractor costs not directly related to corrective action activities, such as preparing cost estimates.

(9) Fines or penalties imposed by local, state, or federal governmental agencies.

(10) Punitive or exemplary damages.

(11) Any costs for remediation of contamination not shown to be above the concentrations listed in the Indiana Department of Environmental Management Underground Storage Tank Guidance Manual (1994), ~~Lust Site Cleanup Objectives*.~~ **rules of the solid waste management board at 329 IAC 9, and the RISC standards.**

(12) Any costs related to the excavation and disposal of more than one thousand ~~(1,000) cubic yards~~ **five hundred (1,500) tons** of soil, unless:

(A) alternative remediation techniques have been considered;

(B) excavation and disposal was shown to be the most cost effective remediation option; and

(C) the soil removal is part of a ~~Corrective Action Plan~~ **CAP** approved or deemed approved by the commissioner.

(13) Any other cost not directly related to corrective action or third party liability or otherwise determined not to be reimbursable under this rule as a result of a financial or technical review.

(c) Appropriate expenditures which may be considered for reimbursement are set forth in the following reimbursable expenditure chart. **Sampling and analysis must be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (May 1999). Publication SW 846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.**

Activity	Cost Range or **Maximum** Amount
SITE INVESTIGATION	
Mobilization and demobilization within a 50 mile radius. This includes the cost of moving general contractor owned equipment, set-up, and removing equipment.	~~Maximum $200~~ **$300**
Soil borings	
Number of feet in incremental amounts	
Less than 16 feet	$20 per foot
16 through less than 26 feet	$25 per foot
26 feet or more	$30 per foot
Decontamination and equipment cleaning	$10 per each 5 feet of boring
Cutting holes in concrete or asphalt (12 inches in diameter)	$90 per hole
~~Monitoring wells~~	
~~Installation, which includes labor for completing soil boring as a monitoring well, surveying, and well development. Add to the cost of soil borings and materials.~~	~~$175 per well~~
Materials	
Well casing and screen (including riser) filter pack, annular and surface seal:	
2 inch well	$10 per foot
4 inch well	$12 per foot
6 inch well	$15 per foot
Flush-grade well covers	$75 per cover
~~Sampling which includes on-site labor for site preparation, decontamination, sampling, and the cost for dispensable equipment such as ropes and plastic sheeting. Lab analyses, reports, mileage, per diem, and travel time are separate.~~	
~~Bail and sample~~	~~$50 per well~~
~~Check and record water~~	~~Add $5 per well~~
Laboratory services, ~~which includes~~ **including** containers, packaging, and postage.	
Soil analysis **methods**	
TPH–**8015**	~~$125~~ **$75** per sample
~~TPH–G only~~	~~$105 per sample~~
~~TPH–FO only~~	~~$150 per sample~~
TPH–418.1	**$100 per sample**
VOC–**8260**	~~$250~~ **$200** per sample
SVOC–**8270**	~~$485~~ **$325** per sample
PAH–8310	**$185 per sample**
PCB–**8080**	~~$125~~ **$110** per sample
Metals–**(13)**	~~$150~~ **$170** per sample
BTEX/MTBE–8021	**$75 per sample**
BTEX/MTBE–8260	**$200 per sample**
Water analysis **methods**	
TPH–**8015**	~~$125~~ **$75** per sample
VOC–**8260**	~~$250~~ **$200** per sample
BTEX/**MTBE–8021**	~~$125~~ **$75** per sample
BTEX/MTBE–8260	**$200 per sample**
SVOC–**8270**	~~$485~~ **$325** per sample

PAH–8310	**$185 per sample**
Metals–**(13)**	~~$125~~ **$170** per sample
Monitored natural attenuation parameters	
Nitrates	**$15 per sample**
Nitrites	**$15 per sample**
Sulfate	**$15 per sample**
Dissolved methane	**$50 per sample**
Use of RISC will require DQO–Level IV, including raw data, internal chain of custody, and QA/QC.	**20% markup allowed per sample**
~~Personnel costs which include costs for report preparation, analysis, and field work. Personnel costs must be documented.~~ **When submitting a claim for reimbursement, the claimant shall be required to give the personnel classification, task being performed, and the name of the individual performing the task. Rates will be paid based on the task performed by an employee rather than the qualifications of the employee. Refer to subsection (d) for task descriptions for personnel classifications.**	
Principal	**$110 per hour**
Senior project manager ~~geologist, engineer, hydrogeologist~~	~~$90~~ **$102** per hour
Project manager	~~$73~~ **$83** per hour
Staff project person	~~$60~~ **$70** per hour
Senior technician	~~$50~~ **$55** per hour
Technician	~~$34~~ **$38** per hour
Drafting person	~~$31~~ **$35** per hour
Word ~~processor~~ **processor/clerical**	~~$24~~ **$28** per hour
~~Other clerical support~~	~~$20 per hour~~
~~Travel and per diem~~	
~~Travel~~	~~$0.25 per mile~~
~~Per diem Luxury and resort accommodations not reimbursable.~~	~~$24 per day~~
Toxicologist	**$125 per hour**
INITIAL ABATEMENT AND FREE PRODUCT REMOVAL	
Except where provided in this rule, approval of costs will be on a case-by-case basis.	
~~Air monitoring~~	~~$50 per day~~
SITE SET-UP PREPARATION	
Trailer rental	$300 per month ($10 per day)
Portable toilet	$150 per month ($5 per day)
Utility check, the date and time of the utility check must be documented.	~~$200 flat amount~~ **$400**
Utilities for temporary facilities	
Temporary power	$500 per month ($16.67 per day)
Temporary water	$150 per month ($5 per day)
Temporary phone	$200 per month ($6.67 per day)
DEMOLITION	
Concrete and asphalt removal	
Saw concrete, prices are per linear foot	

	4 inch concrete	6 inch concrete
Under 200 feet	~~$1.20~~ **$1.60** per foot	~~$1.78~~ **$2** per foot
200 through 400 feet	~~$1.10~~ **$1.40** per foot	~~$1.63~~ **$1.81** per foot

400 through 600 feet	~~$1.06~~ **$1.33** per foot	~~$1.53~~ **$1.70** per foot	
600 through 1,000 feet	~~$0.96~~ **$1.20** per foot	~~$1.49~~ **$1.66** per foot	
Over 1,000 feet	~~$0.86~~ **$1.08** per foot	~~$1.44~~ **$1.60** per foot	
Saw asphalt, prices are per linear foot			
	3 inch asphalt	4 inch asphalt	6 inch asphalt
Under 450 feet	~~$0.34~~ **$1.75** per foot	~~$0.44~~ **$1.90** per foot	~~$0.55~~ **$3** per foot
450 through 600 feet	~~$0.34~~ **$1.50** per foot	~~$0.42~~ **$1.75** per foot	~~$0.63~~ **$2.75** per foot
600 through 1,000 feet	~~$0.29~~ **$1.35** per foot	~~$0.39~~ **$1.50** per foot	~~$0.60~~ **$2.25** per foot
Over 1,000 feet	~~$0.27~~ **$1.25** per foot	~~$0.34~~ **$1.35** per foot	~~$0.58~~ **$2** per foot
Concrete removal, ~~which includes~~ **including** the cost of loading and hauling to a legal landfill within 6 miles, but does not include landfill fees			
4 inch concrete	~~$1.86~~ **$3** per ~~square yard~~ **ton**		
6 inch concrete	~~$3.58~~ **$5.77** per ~~square yard~~ **ton**		
7 inch through 9 inch concrete	~~$9.08~~ **$17.47** per ~~square yard~~ **ton**		
10 inch and over	~~$28.92~~ **$43.96** per ~~square yard~~ **ton**		
With rebar	Add 15%		
For less than 500 square feet	Add 35%		
Concrete curb	$5.04 per linear foot		
Asphalt removal, ~~which includes~~ **including** the cost of loading and hauling to a legal landfill within 6 miles, but does not include landfill fees			
Removal asphalt pad (3 inches)	~~$0.16~~ **$0.25** per square foot		
Removal asphalt curb	$1.41 per linear foot		
For less than 500 square feet	Add 35%		
EXCAVATION			
Equipment costs and labor	$2.22 per ~~cubic yard~~ **ton**		
Mobilization	~~Maximum $200~~ **$300**		
Supplies, for example, visqueen. ~~receipts must be included.~~			
Stockpiling soil on-site	$1.34 per ~~cubic yard~~ **ton**		
Tank removal, decommissioning, cutting, and disposal are not eligible for reimbursement unless necessary as part of corrective action.			
Costs for pumping, testing, and disposal of tank contents are not eligible for reimbursement			
Under 1,000 gallons	$1,000 per tank		
1,000 through 4,999 gallons	$1,500 per tank		
5,000 through 10,000 gallons	$2,000 per tank		
Above 10,000 gallons	$2,500 per tank		
TRANSPORTATION			
Loading	$1.34 per ~~cubic yard~~ **ton**		
Hauling, mileage must be documented	~~$7.32~~ **$0.37** per ~~cubic yard~~ **ton** for each ~~20 miles~~ **mile**		
DISPOSAL OF SOIL, GROUND WATER, AND TRASH			
Landfill fees			

Sampling required by landfill. Must include receipts and analytical results from local municipality.	
Sanitary sewer, if approved for disposal of treated ground water. Must include receipts.	
Contaminated or disposable equipment and ~~decon~~ **decontamination** fluids.	
Landfill reimbursement will be based on the least expensive combination of documented transportation costs and documented disposal costs at a permitted landfill. ~~certified to accept special waste.~~	
Trash	$15 per ~~cubic yard~~ **ton**
APPROVED TECHNOLOGIES	
Reimbursement for corrective action costs will be reimbursed on the basis of the lowest of **three** (3) competitive bids on the work specified in the corrective action plan that is approved or deemed approved by the department. **If the claimant can provide sufficient technical justification for the selection of another bid, the corrective action costs associated with the higher bid will be reimbursed.**	
Lease or rental on equipment will not be reimbursed above the purchase price.	
SITE RESTORATION	
Backfill hauling	~~$2.22~~ **$0.37** per ~~cubic yard~~ **ton for each mile**
Backfill material	~~$10~~ **$13** per ~~cubic yard~~ **ton/stone** **$6.50 per ton/soil**
Backfill placement, compaction, and density verification	**$4 per ton**
Resurfacing	
4 inch concrete	~~$2.41~~ **$3.25** per square foot
For each **additional** inch of concrete	Add ~~$0.23~~ **$0.40** per square foot
For rebar	Add 15%
Asphalt pad, 4 inch thickness	~~$6.60~~ **$2.15** per square ~~yard~~ **foot**
Asphalt curb and gutter	~~$3.95~~ **$4.75** per linear foot
Island forms	
4 feet by 10 feet with 2 foot bumpers	~~$485~~ **$725** each
4 feet by 16 feet with 2 foot bumpers	~~$675~~ **$1,100** each
Equipment rental (based on daily rate; not an inclusive list)	
Decontamination equipment (bucket, brushes, detergent)	**$10**
Power auger	**$50**
Hand auger sampling kit (hand auger/ brass sleeves)	**$35**
Slide hammer core sampler	**$35**
Photoionization detector	**$75**
Flame ionization detector	**$95**
LEL/O2 meter	**$50**
pH and conductivity meter	**$20**
Dissolved oxygen meter	**$30**
2" submersible pump	**$115**
4" submersible pump	**$95**
Direct push technology	**$1,200 per day** **$750 per ½ day**
Steam cleaner/pressure washer	**$75**
Water level indicator	**$12**

Oil/water interface probe	**$55**
Bailer rental	**$15**
Anemometer	**$35**
Carbon dioxide meter	**$25**
Portable generator, generator # 5kW	**$50**
Portable generator, generator > 5kW	**$90**
Portable generator, generator #10kW	**$100**
Portable generator, generator > 10kW	**$125**

(d) The following categories describe the personnel classification activity descriptions:

(1) Principal will do the following:

(A) Supervise professional staff.

(B) Serve as technical expert on sites.

(C) Provide final review of project documents.

(D) Limit site visits on projects.

(E) Handle legal matters.

(F) Coordinate with attorneys.

(2) Senior project manager (includes professional geologist, engineer, and hydrogeologist) will provide the following:

(A) Project management/oversight.

(B) Technical document preparation/review.

(C) Coordination with the department, client, and contractors.

(D) Hydrogeologic and contaminant modeling.

(E) Supervision of investigation/remediation activities.

(F) Site access/permitting.

(3) Project manager will provide the following:

(A) Remediation work plan preparation (CAP, ISC, FSI, pilot study).

(B) Site work preparation and planning.

(C) Supervision of remediation activities.

(D) Oversight of waste characterization, transportation, and disposal.

(E) RISC statistics and equations.

(F) Coordination of subcontractor work (drillers, plumbers, and electricians).

(G) Coordination of heavy equipment mobilization.

(4) Staff project person will do the following:

(A) Implement remediation system installation, operation, and maintenance.

(B) Conduct site mapping.

(C) Assist with waste characterization, transportation, and disposal.

(D) Oversee installation of soil borings and monitoring wells.

(E) Provide on-site supervision and/or perform site characterization and remediation activities.

(F) Oversee well water records searches.

(G) Define how site utilities are marked.

(H) Survey wells.

(I) Oversee free product removal.

(J) Conduct quarterly sampling.

(K) Provide drilling/sampling support.

(5) Senior technician will oversee the following:

(A) Activities associated with operation and maintenance of remediation system.

(B) Equipment installation.

(6) Field technician will oversee the following:

(A) Well purging and development.

(B) Sample collection.

(C) Drum labeling/disposal.

(D) Decontamination/site clean-up tasks.

(E) Sample preparation and delivery.

(7) Drafting person will do the following:

(A) Provide CADD work.

(B) Generate drawings, maps and plans, boring logs, and monitoring well installation logs.

(C) Revise drawings and maps and plans.

(8) Word processor/clerical will provide the following:

(A) Word processing/data input.

(B) General clerical duties.

(C) Documentation reproduction, report binding, and filing.

(D) Proofreading/editing.

(9) Toxicologist will provide guidance for nondefault risk-based closures utilizing nondefault toxicological parameters.

~~*Copies of the Indiana Department of Environment Management Underground Storage Tank Manual (1994) may be inspected and purchased from the Department of Environmental Management, Office of Environmental Response, Western Select Properties, 2525 North Shadeland Avenue, Indianapolis, Indiana.~~ *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-5; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1054; filed Nov 1, 1995, 8:30 a.m.: 19 IR 343; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1105; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 792)*

SECTION 21. 328 IAC 1-3-6 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-6 Limitation of liability

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 6. The application for or receipt of payment for corrective action does not limit the legal responsibility of ~~a tank owner~~

~~or operator~~ **persons listed in section 1 of this rule** for damages incurred by another person as a result of a release. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-6; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1055; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 798)*

SECTION 22. 328 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-4-1 General procedure

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 1. **(a) The procedure set forth in this rule shall be followed in the event the unencumbered balance of funds in the fund falls below twenty-five million dollars ($25,000,000) or by the discretion of the administrator.**

~~(a)~~ **(b)** Each qualifying claim shall be assigned a priority score based on a ranking system designed to address the following:

(1) Initial prioritization of all claims shall be based on the degree of environmental threat existing at the time the occurrence was discovered. The administrator shall assign a priority score upon evaluation of the following technical criteria (listed in descending order, from highest priority to lowest priority, clause (A) having the highest priority):

(A) Impacts to public and private water supply.
(B) Type of petroleum.
(C) Health standards and explosivity hazard.
(D) Corrective action taken.
(E) Number of gallons released.
(F) Degree of access to contaminated soil.
(G) Designated use of surface water.
(H) Site geology and hydrology.

(2) For purposes of scoring claims resulting from occurrences before ~~the effective date of this article~~ **December 4, 1992**, and after March 31, 1988, the administrator shall give additional consideration for when the corrective action was taken.

(3) Scoring of claims shall be determined by application of the following site assessment model:

Site Assessment Scoring Model for Prioritization of Claims

Criteria		Value
Site assessment information.		
Public drinking water supply or well within 1 mile:		
Is contamination present in drinking water?	YES	15
	NO	1
Number of wells within 1 mile		
	1	1
	2 through 3	2
	4 through 6	3
	6 or more	4
	Public water total _____ times 24 equals_____	
Private drinking water supply or well within 1 mile:		
Is contamination present in drinking water?	YES	15
	NO	0
Number of wells within 1 mile		
	1 through 10	1
	11 through 25	2
	26 through 100	3
	greater than 100	4
	Private drinking water total _____ times 12 equals_____	
Type of petroleum		
Mixed products or waste oil		15
Leaded gasoline		13
Gasoline		12
Jet fuels		10
Diesel fuels		9
Heating fuels		8
Kerosene fuels		7
Crude oil		5
Other		)
	Type of petroleum total _____ times 10 equals _____	

Health standards and explosivity hazards	
Contamination phase	
Vapors present at the time release discovered	10
Free product present at the time the release was discovered	7
Surface contamination present at the time the release was discovered	5
Structures affected	
Residential housing	7
Municipal, commercial, or industrial	5
Utility lines or trenches	1
Area designation	
Large municipality or urban area	7
Small municipality or suburban area	5
Rural, agricultural, or livestock area	1
Health standards total _____ times 6 equals _____	
Corrective action taken	
Corrective action complete	5
Corrective action over 50% complete	5
Corrective action initiated	5
Corrective action approved by ~~IDEM~~ **the department**	5
Site characterization complete	5
Release response measures complete	5
Corrective action total _____ times 4 equals _____	
Number of gallons released	
Over 12,000	10
5,000 through 11,999	8
2,000 through 4,999	6
500 through 1,999	4
100 through 500	2
Under 100	1
Number of gallons released total_____times 5 equals _____	
Degree of access to contaminated soil	
Contamination access	
Surface (0 to 2 feet below surface)	10
Subsurface (over 2 feet below surface)	5
Access total _____ times 4 equals _____	
Designated use of surface water	
Surface waters within ½ mile	
Lake or river	3
Swamp or wetlands	3
Pond or canal	2
Stream, creek, or active drainage ditch	1
Distance to surface waters	
Under 500 feet	3
500 feet to ¼ mile	2
Over ¼ mile	1
Designated use of surface water	
Drinking water	4
Recreational or full body human contact	3
Aquatic, wildlife, or partial human contact	3
Agriculture or livestock	2
Designated use of surface water total _____ times 4 equals _____	
Site geology and hydrogeology	
Soil type	
Sand	4
Clay	1

Depth to water table in feet	
0 through 10	4
11 through 20	3
21 through 40	2
Over 40	1
Unusual geologic factors, for example, fractured bedrock, sand or gravel veins, perched aquifers, or geological outcroppings	
YES	5
NO	0

Site geology and hydrogeology total _____ times 3 equals _____

~~(b)~~ **(c)** To assure the efficient administration of the fund, the administrator may reclassify a claim at any time that it is determined a claim has been incorrectly ranked.

~~(c)~~ **(d)** Placement of a claim on a priority list does not constitute a commitment to reimburse corrective action or third party liability costs. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1055; filed Nov 1, 1995, 8:30 a.m.: 19 IR 347; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 799)*

SECTION 23. 328 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-5-1 Applications for payment of corrective action

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 1. (a) Claim applications for reimbursement of corrective action costs shall be submitted on forms adopted by the administrator. Claimants shall itemize all charges as required by the application package. Documentation of expenses as required by the administrator must be submitted as part of the application.

(b) The application shall contain the following statement, which shall be signed and attested by the ~~owner or operator.~~ **person applying to the fund:**

"I swear or affirm to the best of my knowledge and belief that the costs presented herein represent the actual costs incurred in the performance of corrective action related to this site during the period of time indicated on this application. I also swear or affirm that all charges presented as part of this application were necessary to the performance of corrective action.".

(c) Two (2) copies of all documents required by the administrator shall be submitted by the ~~owner or operator~~ **person applying to the fund** to support the application. Original documents must be kept by the ~~owner or operator~~ **person applying to the fund** for a minimum of four (4) years after the date the application for payment was submitted, or four (4) years after completion of corrective action, whichever is later.

(d) A single claim application may not be submitted to the fund for reimbursement in an amount less than the following:

(1) Initial claim may be submitted for any amount, including $0/eligibility preapproval claims.

(2) Subsequent claims, five thousand dollars ($5,000) unless the claim is:

(A) the final application for that incident;

(B) for a third party liability claim; or

(C) for costs incurred over a period of four (4) months or longer.

(3) Persons applying to the fund may resubmit claims in any amount if the costs were disallowed for lack of backup documentation.

Persons applying to the fund shall identify the final application as such. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1056; filed Nov 1, 1995, 8:30 a.m.: 19 IR 349; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 801)*

SECTION 24. 328 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-5-2 Fund payment procedures for corrective action

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-9-2

Sec. 2. (a) Contingent on the availability of monies as determined by 328 IAC 1-2-3, the administrator shall authorize payment upon determining that the requirements of IC 13-23-9-2 have been met.

(b) Processing and payment of claims are contingent upon the availability of monies.

(c) When ~~an owner or operator~~ **a person applying to the fund** submits an application under section 1 of this rule, which includes expenses for which ~~the owner or operator~~ **that person** has not made payment, then payment shall be made by check jointly to the ~~eligible owner or operator~~ **person applying to the fund** and the contractor **involved.**

(d) When ~~an eligible owner or operator~~ **a person applying to the fund** submits documentation verifying that ~~the owner or operator~~ **that person** has paid for costs of corrective action, payment shall be made by check directly to ~~the eligible owner or operator.~~ **that person.**

(e) ~~An eligible owner or operator~~ **A person who may apply to the fund under 328 IAC 1-3-1** may seek preapproval of ~~costs related~~ **a site's eligibility** to **have** corrective action **costs reimbursed** from the ~~department.~~ **fund.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1056; filed May 25, 1999, 4:31 p.m.: 22 IR 3103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 801)*

SECTION 25. 328 IAC 1-5-3 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-5-3 Deemed approved; reimbursement of costs
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-4

Sec. 3. "Deemed approved", under IC 13-23-8-4, means that the department shall consider the CAP approved solely for purposes of reimbursement of reasonable costs from the fund. A CAP having been deemed approved shall in no way relieve the person applying to the fund of the obligation to comply with all applicable rules or department standards. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-3; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802)*

SECTION 26. 328 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-6-1 Applications for payment of third party liability claims
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-3

Sec. 1. (a) Applications for reimbursement of third party liability claims against owners or operators shall be submitted on approved forms established by the department. The claimant must attach either a certified copy of a legally enforceable final judgment against the owner or operator or a reasonable settlement between the owner or operator and the third party.

(b) The owner or operator must submit proof of payment of the deductible amount under ~~IC 13-7-20-33(c).~~ **IC 13-23-8-3.**

(c) When submitting an application to the administrator under subsection (a), the owner or operator must also forward a copy of the request to the attorney general. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-6-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802)*

SECTION 27. 328 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-6-2 Fund payment procedures for third party liability
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-9-3

Sec. 2. (a) If the attorney general determines that the requirements under ~~IC 13-7-20-38~~ **IC 13-23-9-3** have been met, the attorney general shall approve a request for indemnification of a third party not later than sixty (60) days after receiving the request:

(1) if sufficient monies exist after other obligations have been met under 328 IAC 1-2-3;

(2) based upon priority ranking of the site under 328 IAC 1-4 **if applicable;** and

(3) if the administrator determines that the owner or operator is in compliance with the requirements of ~~IC 13-7-20~~ **IC 13-23** and rules adopted thereunder.

(b) When an owner or operator submits an acceptable application for indemnification of a third party but the claim has not already been paid by the owner or operator, then payment shall be made jointly by check to the eligible owner or operator and the third party.

(c) When an eligible owner or operator submits an acceptable application for indemnification of a third party along with documentation verifying that the owner or operator has paid the third party liability claim, payment shall be made directly to the eligible owner or operator.

(d) Third party liability claims subject to review by the attorney general shall include the reasonable fees or compensation paid to obtain:

(1) access to properties not controlled by the claimant;

(2) institutional controls, including, but not limited to, deed restrictions required by risk integrated system of closure (RISC); or

(3) subdivisions (1) and (2).

(Underground Storage Tank Financial Assurance Board; 328 IAC 1-6-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802)

SECTION 28. 328 IAC 1-7-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-7-1 Financial assurance certificate
Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 1. (a) In accordance with 40 CFR 280.101, the department shall issue a certificate of financial assurance **upon request** to each eligible tank owner or operator, as defined in 328 IAC 1-3-3, within sixty (60) days after the effective date of

this rule. Under ~~40 CFR 281.37,~~ **IC 13-23 and the rules promulgated thereunder,** this state issued certificate shall fulfill the federal financial assurance requirements.

(b) The certificate of financial assurance shall contain the following information:

(1) Facility name and address.

(2) Facility identification number issued by the department.

(3) Amount of funds for corrective action and compensating third parties that is assured by the fund.

(c) The owner or operator shall maintain the certificate of financial assurance ~~at the underground storage tank site or the owner's or operator's place of business. Records maintained off-site must be made available immediately upon request of the department.~~ **in compliance with rules of the solid waste management board at 329 IAC 9-8-21.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-7-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1055; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802)*

SECTION 29. 328 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-7-2 Termination of financial assurance by the department

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 2. If, after consultation with the financial assurance board, the department determines that insufficient monies exist to provide owners or operators evidence of financial assurance, the department shall notify all fund participants by certified mail. ~~Excess liability~~ **The** fund coverage will continue for sixty (60) days after notice of termination of coverage. Owners or operators shall have sixty (60) days after receipt of termination of financial assurance to acquire financial assurance by other means. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-7-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 803)*

SECTION 30. 328 IAC 1-7-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-7-3 Revocation of certificate by the department

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 3. If the department determines that the owner or operator has not maintained eligibility for participation in the ~~excess liability~~ fund, the certificate of financial assurance issued by the department shall be revoked. The owner or operator shall have fifteen (15) days after revocation of a certificate to reinstate eligibility. *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-7-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 803)*

SECTION 31. THE FOLLOWING ARE REPEALED: 328 IAC 1-1-5; 328 IAC 1-1-11; 328 IAC 2.

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TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-47(F)

DIGEST

Adds 844 IAC 13 to establish standards for the competent and ethical practice of acupuncture. Effective 30 days after filing with the secretary of state.

844 IAC 13

SECTION 1. 844 IAC 13 IS ADDED TO READ AS FOLLOWS:

ARTICLE 13. ACUPUNCTURISTS

Rule 1. Definitions

844 IAC 13-1-1 Applicability

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 1. The definitions in this rule apply throughout this article. *(Medical Licensing Board of Indiana; 844 IAC 13-1-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 803)*

844 IAC 13-1-2 "Acupuncture" defined

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 2. (a) "Acupuncture" means the evaluation and treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of presterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body.

(b) The term does not include:
(1) radiology, electrosurgery, chiropractic technique, physical therapy, use or prescribing of any drugs, medications, serums, or vaccines; or
(2) determination of an allopathic differential diagnosis.
(Medical Licensing Board of Indiana; 844 IAC 13-1-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 803)

844 IAC 13-1-3 "Acupuncturist" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 3. "Acupuncturist" means an individual to whom a license has been issued to practice acupuncture in Indiana and includes both a licensed acupuncturist and licensed professional acupuncturist. *(Medical Licensing Board of Indiana; 844 IAC 13-1-3; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-4 "ADS" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 4. (a) "ADS" means acupuncture detoxification specialist.

(b) ADS is:
(1) limited to the use of five (5) points in accordance with NADA protocol; and
(2) for the purpose of treating alcoholism, substance abuse, or chemical dependency as defined by IC 25-2.5-2-7.

(c) An ADS is a person who:
(1) has met the minimum requirements as stated in 844 IAC 13-3-1;
(2) is functioning in a dependent relationship with a physician licensed by the board or an acupuncturist licensed by the board; and
(3) is performing under his or her supervision a task or combination of tasks traditionally performed in a chemical dependency treatment program under the law for the purpose of treating alcoholism, substance abuse, or chemical dependency.
(Medical Licensing Board of Indiana; 844 IAC 13-1-4; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)

844 IAC 13-1-5 "Board" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 5. "Board" refers to the medical licensing board of Indiana. *(Medical Licensing Board of Indiana; 844 IAC 13-1-5; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-6 "Licensed professional acupuncturist" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1; IC 25-2.5-2-3; IC 25-10; IC 25-14; IC 25-29

Sec. 6. (a) "Licensed professional acupuncturist" refers to the holder of a professional's license under IC 25-2.5-2-3(b).

(b) An licensed professional acupuncturist is a:
(1) chiropractor licensed under IC 25-10;
(2) dentist licensed under IC 25-14; or
(3) podiatrist licensed under IC 25-29;
with at least two hundred (200) hours of acupuncture approved by the board. *(Medical Licensing Board of Indiana; 844 IAC 13-1-6; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-7 "Licensed acupuncturist" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1; IC 25-2.5-2-1; IC 25-2.5-2-3

Sec. 7. "Licensed acupuncturist" refers to the holder of a license under IC 25-2.5-2-1 or IC 25-2.5-2-3(a). *(Medical Licensing Board of Indiana; 844 IAC 13-1-7; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-8 "NADA" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 8. "NADA" refers to the National Acupuncture Detoxification Association. *(Medical Licensing Board of Indiana; 844 IAC 13-1-8; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-9 "Supervising acupuncturist" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 9. "Supervising acupuncturist" means a medical doctor, osteopathic physician, licensed professional acupuncturist, or licensed acupuncturist approved by the board to supervise and be responsible for a particular ADS. The supervisor is not to supervise more than a total of twenty (20) ADS at any one (1) time. *(Medical Licensing Board of Indiana; 844 IAC 13-1-9; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

844 IAC 13-1-10 "Under the direction and supervision of the licensed acupuncturist" defined
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-1

Sec. 10. "Under the direction and supervision of the licensed acupuncturist", as referred to in this rule with reference to ADS, means that the supervising physician or

affiliate licensed acupuncturist shall be reasonably available and responsible at all times for the direction and the actions of the practitioner being supervised when services are being performed by the practitioner. The patient's care shall always be the responsibility of the supervising physician or affiliate licensed acupuncturist. *(Medical Licensing Board of Indiana; 844 IAC 13-1-10; filed Oct 9, 2001, 2:52 p.m.: 25 IR 804)*

Rule 2. Licensure

844 IAC 13-2-1 Application
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1

Sec. 1. An applicant for acupuncture licensure shall submit the following information:

(1) An application in a form and manner prescribed by the board.

(2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.

(3) The fee specified in section 6 of this rule.

(4) Original or verification of proof of current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture.

(5) Transcript from the training program or acupuncture college program of completion of three (3) years of postsecondary training program or acupuncture college that is approved by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

(6) A notarized copy of proof of completion of a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.

(7) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.

(8) Otherwise meets the requirements of IC 25-2.5-2-1.

(Medical Licensing Board of Indiana; 844 IAC 13-2-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 805)

844 IAC 13-2-2 Licensure in another state or authorized in another country
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1; IC 25-2.5-2-3

Sec. 2. An applicant who is licensed in another state or authorized in another country to practice acupuncture shall submit the following information:

(1) An application in a form and manner prescribed by the board.

(2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.

(3) The fee specified in section 6 of this rule.

(4) Evidence from the state or country that the applicant holds or has held a license or is authorized to practice acupuncture in another country to the board that the qualifications are substantially equivalent as those specified in section 1 of this rule.

(5) A notarized copy or original verification of proof of current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture.

(6) A transcript in the original language of issuance and a translation from the training program or acupuncture college program of completion of three (3) years of postsecondary training program or acupuncture college that is approved or substantially equivalent to the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

(7) A notarized copy of proof of completion of a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.

(8) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.

(9) Otherwise meets the requirements of IC 25-2.5-2-1.

(Medical Licensing Board of Indiana; 844 IAC 13-2-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 805)

844 IAC 13-2-3 Licensure by tutorial program
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1

Sec. 3. A person who is a student in a tutorial program in Indiana is eligible to apply for licensure as an acupuncturist as specified in section 1 of this rule if they meet the following requirements:

(1) The candidate must meet the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) tutorial requirements and the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM) Syllabus Program of Study. These requirements will be based upon the current standards of NCCAOM and NACSCAOM.

(2) The candidate must present proof of certification.

A candidate who meets these requirements is eligible to apply for licensure as an acupuncturist as specified in section 1 of this rule. *(Medical Licensing Board of Indiana; 844 IAC 13-2-3; filed Oct 9, 2001, 2:52 p.m.: 25 IR 805)*

844 IAC 13-2-4 Affiliated professional's license to practice acupuncture
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1; IC 25-2.5-2-3; IC 25-10; IC 25-14; IC 25-29

Sec. 4. An applicant who is licensed as a chiropractor

licensed under IC 25-10, a dentist licensed under IC 25-14, and a podiatrist licensed under IC 25-29 may be granted a professional's license upon submission of the following information:

(1) An application in a form and manner prescribed by the board.

(2) Two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.

(3) The fee specified in section 6 of this rule.

(4) An official certificate from the school or program which is an approved college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education where the applicant obtained two hundred (200) hours of acupuncture training.

(5) Verification from all states in which the applicant has been or is currently licensed, which statement shall include whether the applicant has ever been disciplined in any manner.

(6) Otherwise submits proof of current licensure in Indiana as a chiropractor, a podiatrist, or a dentist.

(Medical Licensing Board of Indiana; 844 IAC 13-2-4; filed Oct 9, 2001, 2:52 p.m.: 25 IR 805)

844 IAC 13-2-5 List of courses and institutions that provide training for a professional's license

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1; IC 25-2.5-2-3

Sec. 5. (a) A list of courses and institutions that provide training approved for the purpose of qualifying an individual for an affiliated professional's license shall be available from the board through the health professions bureau.

(b) If a program or course is not listed, the board shall review each program on a case-by-case basis.

(c) The aforementioned information shall be submitted for the board's review. *(Medical Licensing Board of Indiana; 844 IAC 13-2-5; filed Oct 9, 2001, 2:52 p.m.: 25 IR 806)*

844 IAC 13-2-6 Fees

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-1

Sec. 6. The board shall charge and collect the following fees:

Application for licensure	**$150**
Affiliated professional's license	**$150**
Application for certification as an ADS	**$10**
Renewal fee for acupuncturist (does not apply for professional's license)	**$100 per biennium**
Renewal fee for professional's license (as an additional fee to be paid upon renewal of the primary license)	**$100**
Renewal fee for acupuncture detoxification specialist	**$20 per biennium**
Penalty fee for failure to renew	**$150**
Duplicate wall license	**$10**
Verification for licensure	**$10**

(Medical Licensing Board of Indiana; 844 IAC 13-2-6; filed Oct 9, 2001, 2:52 p.m.: 25 IR 806)

Rule 3. Supervision

844 IAC 13-3-1 Acupuncture detoxification specialist; certification

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-7

Sec. 1. (a) An applicant may practice acupuncture detoxification protocol under the supervising acupuncturist within the context of a state, federal, or board approved alcohol, substance abuse, or chemical dependency program upon approval of the board.

(b) The ADS shall provide the board with the following documentation:

(1) An application in a form and manner prescribed by the board.

(2) Must be eighteen (18) years or older.

(3) Two (2) recent passport-quality photographs of the applicant.

(4) The fee specified in 844 IAC 13-2-6.

(5) A notarized copy of a high school diploma or general educational development diploma.

(6) A notarized copy of documentation of successful completion of a board approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that meets or exceeds the standards of training by the National Acupuncture Detoxification Association.

(7) A notarized copy of proof of completion of a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine or National Acupuncture Detoxification Association.

(8) A list of all supervisors.

(9) Otherwise meets the requirements of IC 25-2.5-2-7.

(Medical Licensing Board of Indiana; 844 IAC 13-3-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 806)

844 IAC 13-3-2 Acupuncture detoxification specialist; supervision

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-7; IC 25-27.5-6

Sec. 2. (a) The supervising acupuncturist shall be physically present or readily available at all times that treatment is being administered by the ADS.

(b) A licensed acupuncturist who intends to supervise an ADS shall register his or her intent to do so with the board on a form approved by the board prior to commencing supervision of a ADS. The supervising acupuncturist shall include the following information on the form supplied by the board:

(1) The name, business address, and telephone number of the supervising acupuncturist or physician.

(2) The current license number of the acupuncturist or physician.

(3) A description of the setting in which the ADS will practice under the supervising acupuncturist or physician, including the specialty, if any, of the supervising acupuncturist or physician.

(4) A statement that the supervising acupuncturist or physician will do the following:

(A) Exercise continuous supervision over the ADS in accordance with IC 25-27.5-6 and this article.

(B) Review all functions performed by the ADS one (1) time per month and maintain adequate documentation at all times. The supervisor must sign-off on and date the patient chart.

(C) At all times, retain professional and legal responsibility for the care rendered by the ADS.

(5) Detailed description of the process maintained by the acupuncturist, licensed professional acupuncturist, or physician for evaluation of the ADS's performance.

(c) The supervising acupuncturist, licensed professional acupuncturist, or physician shall, within fifteen (15) days, notify the board when the supervising relationship with the ADS is terminated, and the reason for such termination.

(d) If for any reason an ADS discontinues working at the direction and/or under the supervision of the physician, licensed professional acupuncturist, or licensed acupuncturist under which the ADS was registered, such ADS and physician, licensed professional acupuncturist, or licensed acupuncturist shall inform the board, in writing, within fifteen (15) days of such event and his or her approval shall terminate effective the date of the discontinuation of employment under the supervising physician, licensed professional acupuncturist, or licensed acupuncturist, which termination of approval shall remain in effect until such time as a new application is submitted by the same or another physician, licensed professional acupuncturist, or licensed acupuncturist approved by the board. The physician, licensed professional acupuncturist, or licensed acupuncturist and ADS, in such written report, shall inform the board of the specific reason for the discontinuation of employment of the ADS, and/or of the discontinuation of supervision by the physician or licensed to whom the ADS was registered. *(Medical Licensing Board of Indiana; 844 IAC 13-3-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 806)*

Rule 4. License Renewal

844 IAC 13-4-1 Licensure renewal

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-5

Sec. 1. (a) A renewal application shall be submitted to the bureau on or before September 30 of each even-numbered year on a form provided by the bureau.

(b) The application shall be accompanied by the renewal fee required by 844 IAC 13-2-6.

(c) A licensee must sign the renewal application provided by the bureau that verifies that the applicant holds a current active certification by the National Certification Commission for Acupuncture and Oriental Medicine.

(d) A person who holds a license as an acupuncturist must renew biennially as required by IC 25-2.5-2-5.

(e) A person who fails to renew his or her license within three (3) years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if he or she meets all of the requirements. *(Medical Licensing Board of Indiana; 844 IAC 13-4-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 807)*

844 IAC 13-4-2 Licensure renewal for licensed professional acupuncturist

Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-5

Sec. 2. (a) A renewal application for chiropractors, dentists, and podiatrists shall be submitted to the bureau on or before the date of the renewal of the primary license. Therefore the renewal of a:

(1) chiropractor's acupuncture license shall be submitted to the bureau on or before July 1 of each even-numbered year simultaneously with the renewal of the chiropractor license;

(2) dentist's acupuncture license shall be submitted to the bureau on or before March 1 of each even-numbered year simultaneously with the renewal of the dental license; and

(3) podiatrist's acupuncture license shall be submitted to the bureau on or before June 30 of the fourth odd-numbered year simultaneously with the renewal of the podiatrist license.

(b) The renewal fee shall be in addition to the renewal fee of the primary license.

(c) A renewal application must be signed, indicating that the practitioner is currently licensed as a chiropractor, dentist, or podiatrist in Indiana. *(Medical Licensing Board of Indiana; 844 IAC 13-4-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 807)*

844 IAC 13-4-3 Certification renewal for acupuncture detoxification specialist
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-5

Sec. 3. (a) A renewal application shall be submitted to the bureau on or before September 30 of each even-numbered year on a form provided by the bureau. The application shall be accompanied by the renewal fee required by 844 IAC 13-2-6.

(b) A person who holds a certification as an ADS must renew biennially as required by IC 25-2.5-2-5. *(Medical Licensing Board of Indiana; 844 IAC 13-4-3; filed Oct 9, 2001, 2:52 p.m.: 25 IR 808)*

844 IAC 13-4-4 Address; change of name
Authority: IC 25-22.5-2-7
Affected: IC 25-2.5-2-5

Sec. 4. (a) Each licensed acupuncturist, licensed professional acupuncturist, or certified ADS shall inform the board, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A licensed acupuncturist, licensed professional acupuncturist, or certified ADS failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the board or bureau, nor shall it exonerate or otherwise excuse the licensed acupuncturist, licensed professional acupuncturist, or certified ADS from renewing such license. *(Medical Licensing Board of Indiana; 844 IAC 13-4-4; filed Oct 9, 2001, 2:52 p.m.: 25 IR 808)*

Rule 5. Standards of Professional Conduct

844 IAC 13-5-1 Duties of acupuncturist
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. (a) An acupuncturist in the conduct of his or her practice of acupuncture shall abide by, and comply with, the standards of professional conduct in this rule.

(b) An acupuncturist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment and prognosis, and all records relating thereto, about which the acupuncturist may learn or otherwise be informed during the course of, or as a result of, the patient-acupuncturist relationship. Information about a patient shall be disclosed by an acupuncturist when required by law or when authorized by the patient or those responsible for the patient's care.

(c) An acupuncturist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where an acupuncturist reasonably determines that the information is or would be detrimental to the physical or mental health of the patient or, in the case of a minor or incompetent person, except where an acupuncturist reasonably determines that the information would be detrimental to the physical or mental health of those responsible for the patient's care.

(d) The acupuncturist shall give reasonable written notice to an active patient or those responsible for the patient's care when the acupuncturist withdraws from a case so that another acupuncturist may be employed by the patient or by those responsible for the patient's care. An acupuncturist shall not abandon a patient. As used in this section, "active patient" means a person whom the acupuncturist has examined, cared for, or otherwise consulted with, during the two (2) year period prior to retirement, discontinuation of practice of acupuncture, or leaving or moving from the community.

(e) An acupuncturist who withdraws from a case, except in emergency circumstances, shall, upon written request, make available to his or her patient all records, test results, histories, diagnoses, files, and information relating to the patient that are in the acupuncturist's custody, possession, or control, or copies of such documents herein before described.

(f) An acupuncturist shall exercise reasonable care and diligence in the diagnosis and treatment of patients based upon approved scientific principles, methods, treatments, professional theory, and practice.

(g) An acupuncturist shall not represent, advertise, state, or indicate the possession of any degree recognized as the basis for licensure to practice acupuncture unless the acupuncturist is actually licensed on the basis of such degree in the state or states in which he or she practices.

(h) An acupuncturist shall obtain consultation whenever requested to do so by a patient or by those responsible for a patient's care.

(i) An acupuncturist who has personal knowledge based upon a reasonable belief that another acupuncturist has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of acupuncture shall promptly report such conduct to the board. Further, an acupuncturist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of acupuncture shall promptly report such conduct to the board. *(Medical Licensing Board of Indiana; 844 IAC 13-5-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 808)*

844 IAC 13-5-2 Fees for services
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 2. (a) Fees charged by an acupuncturist for his or her professional services shall compensate the acupuncturist only for the services actually rendered.

(b) An acupuncturist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation unless the:
(1) patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and
(2) division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

(c) An acupuncturist shall not pay or accept compensation from a practitioner for referral of a patient. *(Medical Licensing Board of Indiana; 844 IAC 13-5-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 809)*

844 IAC 13-5-3 Responsibility for employees
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 3. An acupuncturist shall be responsible for the conduct of each and every person employed by the acupuncturist for every action or failure to act by the employee or employees in the course of the employee's relationship with the acupuncturist, provided, however, that an acupuncturist shall not be responsible for the action of persons he or she may employ whose employment by the acupuncturist does not relate directly to the acupuncturist's practice of acupuncture. *(Medical Licensing Board of Indiana; 844 IAC 13-5-3; filed Oct 9, 2001, 2:52 p.m.: 25 IR 809)*

844 IAC 13-5-4 Referral
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 4. (a) A licensed acupuncturist may only provide services upon the referral of a licensed medical doctor or doctor of osteopathic medicine. This subsection does not apply to licensed professional acupuncturist.

(b) An acupuncturist may, whenever the acupuncturist believes it to be beneficial to the patient, send or refer a patient to a qualified specific health care provider. Prior to any such referral, however, the acupuncturist shall examine and/or consult with the patient to reasonably determine that a condition exists in the patient that would be within the scope of practice of the specific health care provider to whom the patient is referred. *(Medical Licensing Board of Indiana; 844 IAC 13-5-4; filed Oct 9, 2001, 2:52 p.m.: 25 IR 809)*

844 IAC 13-5-5 Discontinuation of practice
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 5. (a) An acupuncturist, upon his or her retirement, upon discontinuation of the practice of acupuncture, or upon leaving or moving from a community shall notify all of his or her active patients, in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he or she intends to discontinue his or her practice of acupuncture in the community and shall encourage his or her patients to seek the services of another licensed practitioner. The acupuncturist discontinuing his or her practice shall make reasonable arrangements with his or her active patients for the transfer of his or her records, or copies thereof, to the succeeding practitioner or an acupuncture association approved by the board.

(b) Nothing provided in this section shall preclude, prohibit, or prevent an acupuncturist from selling, conveying, or transferring for valuable consideration, the acupuncturist's patient records to another licensed practitioner who is assuming his practice, provided that written notice is given to patients as provided in this section. *(Medical Licensing Board of Indiana; 844 IAC 13-5-5; filed Oct 9, 2001, 2:52 p.m.: 25 IR 809)*

844 IAC 13-5-6 Advertising
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 6. (a) An acupuncturist shall not, on behalf of himself or herself, a partner, an associate, or any other practitioner or specific health care provider affiliated with the acupuncturist, use, or participate in the use of, any form of public communication containing a false, fraudulent, materially misleading, or deceptive statement or claim.

(b) In order to facilitate the process of informed selection of an acupuncturist by the public, an acupuncturist may advertise services through the public media, including, but not limited to, a telephone directory, acupuncturists' directory, newspaper or other periodical, radio or television, or through a written communication not involving personal contact.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the acupuncturist, and a recording and transcript of the actual transmission shall be retained by the acupuncturist for a period of three (3) years from the last date of broadcast.

(d) If the acupuncturist advertises a fee for acupuncture material, service, treatment, consultation, examination, or other procedure, the acupuncturist must provide that

material, service, or procedure for no more than the fee advertised.

(e) Unless otherwise conspicuously specified in the advertisement, an acupuncturist who publishes or communicates fee information in a publication that is published more than one (1) time per month shall be bound by any representation made therein for a period of thirty (30) days after the publication date. An acupuncturist who publishes or communicates fee information in a publication that is published once a month or less frequently shall be bound by any representation made therein until the publication of the succeeding issue unless a shorter time is conspicuously specified in the advertisement. An acupuncturist who publishes or communicates fee information in a publication that has no fixed date for publication for a succeeding issue shall be bound by any representation made therein for one (1) year, unless a shorter period of time is conspicuously specified in the advertisement.

(f) Unless otherwise specified in the advertisement, an acupuncturist who broadcasts fee information by radio, cable, or television shall be bound by any representation made therein for a period of ninety (90) days after such broadcast.

(g) An acupuncturist who places an advertisement using a corporation name or trade name is required to identify the location or locations at which the acupuncture service will be provided. The name of the acupuncturist who will provide the acupuncture services must be identified at that location. *(Medical Licensing Board of Indiana; 844 IAC 13-5-6; filed Oct 9, 2001, 2:52 p.m.: 25 IR 809)*

844 IAC 13-5-7 Failure to comply
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 7. Failure to comply with the standards of professional conduct and competent practice of acupuncture may result in disciplinary proceedings against the offending acupuncturist. All acupuncturists licensed in Indiana shall be responsible for having knowledge of the standards of conduct and competent practice established by IC 25-2.5. *(Medical Licensing Board of Indiana; 844 IAC 13-5-7; filed Oct 9, 2001, 2:52 p.m.: 25 IR 810)*

Rule 6. Revocation or Suspension of License

844 IAC 13-6-1 License revocation; duties of licensees
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. In any case where a practitioner's license has been revoked, the person shall do the following:

(1) Promptly notify, or cause to be notified, in the manner and method specified by the board, all patients then in the care of the practitioner, or those persons responsible for the patient's care, of the revocation and of the practitioner's consequent inability to act for or on their behalf in the practitioner's professional capacity. Such notice shall advise all patients to seek the services of another practitioner in good standing of their own choice.

(2) Promptly notify, or cause to be notified, all health care facilities where such practitioner has privileges of the revocation accompanied by a list of all patients then in the care of such practitioner.

(3) Notify, in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:

(A) The Indiana department of public welfare.

(B) Social Security Administration.

(C) The board or equivalent agency of each state in which the person is licensed to practice acupuncture.

(D) The National Certification Commission for Acupuncture and Oriental Medicine.

(4) Make reasonable arrangements with the licensee's active patients for the transfer of all patient records, studies, and test results, or copies thereof, to a succeeding practitioner employed by the patient or by those responsible for the patient's care.

(5) Within thirty (30) days after the date of license revocation, the practitioner shall file an affidavit with the board showing compliance with the provisions of the revocation order and with 844 IAC 7, which time may be extended by the board. Such affidavit shall also state all other jurisdictions in which the practitioner is still licensed.

(6) Proof of compliance with this section shall be a condition precedent to any petition for reinstatement.

(Medical Licensing Board of Indiana; 844 IAC 13-6-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 810)

844 IAC 13-6-2 License suspension; duties of licensees
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 2. (a) In any case where a person's license has been suspended, the person shall, within thirty (30) days from the date of the order of suspension, file with the board an affidavit that states the following:

(1) All active patients then under the practitioner's care have been notified in the manner and method specified by the board of the practitioner's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another practitioner of good standing of their own choice.

(2) All health care facilities where such practitioner has privileges have been informed of the suspension order.

(3) Reasonable arrangements were made for the transfer of patient records, studies, and test results, or copies

thereof, to a succeeding practitioner employed by the patient or those responsible for the patient's care.

(b) Proof of compliance with this section shall be a condition precedent to reinstatement. *(Medical Licensing Board of Indiana; 844 IAC 13-6-2; filed Oct 9, 2001, 2:52 p.m.: 25 IR 810)*

844 IAC 13-6-3 Reinstatement
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 3. No person whose license to practice acupuncture in Indiana has been suspended shall be eligible for reinstatement unless that person establishes by clear and convincing evidence before the board the following:

(1) The person desires in good faith to obtain restoration of such license.

(2) The term of suspension prescribed in the order of suspension has elapsed or seven (7) years have elapsed since the revocation.

(3) The person has not engaged in the practice of acupuncture or has attempted to do so from the date discipline was imposed.

(4) The person has complied fully with the terms, if any, of the order for suspension or revocation.

(5) The person's attitude with regard to the misconduct, violation of law or rule, or incompetent practice for which the person was disciplined is one of genuine remorse.

(6) The person has a proper understanding of an attitude toward the standards that are imposed by statute or rule upon persons holding such license as had been suspended and the person can be reasonably expected to conduct himself in conformity with such standards.

(7) The person can be safely recommended to the public and applicable profession as a person fit to be reinstated and is able to practice his or her profession with reasonable skill and safety to patients.

(8) The disability has been removed, corrected, or otherwise brought under control if the suspension or revocation was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs.

(9) The person has successfully taken and completed such written examinations and tests as may be required by the board and has completed professional training.

(Medical Licensing Board of Indiana; 844 IAC 13-6-3; filed Oct 9, 2001, 2:52 p.m.: 25 IR 811)

844 IAC 13-6-4 Petitions for reinstatement; filing fee
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 4. (a) Any person whose license has been suspended may apply for reinstatement by filing with the board a petition stating that the requirements of 844 IAC 7-1-1 have been satisfied or complied with. Ten (10) copies of such petition shall be filed with the board together with a filing fee of four hundred dollars ($400).

(b) Upon the filing of such petition and payment of the filing fee, the board shall schedule a hearing. After the hearing, the board shall determine whether the petitioner has met the requirements set forth in the disciplinary order and shall determine whether, as a condition to reinstatement, disciplinary or corrective measures, including, but not limited to, reexamination, additional training, or postgraduate education, or a preceptorship, should be imposed. The board shall thereafter, upon satisfactory compliance with 852 IAC 1-12-1 and of any and all disciplinary and corrective measures that may be imposed, enter an order continuing the suspension or reinstating the license to the petitioner.

(c) Any person filing for reinstatement shall be responsible for the payment of any and all costs incurred by the board in conducting a hearing upon the petition for reinstatement that exceed the amount of the filing fee. Any such costs shall be paid by the petitioner within fifteen (15) days of the receipt of a statement therefor from the board. In no event will there be any refund or rebate of any part of the filing fee. *(Medical Licensing Board of Indiana; 844 IAC 13-6-4; filed Oct 9, 2001, 2:52 p.m.: 25 IR 811)*

Rule 7. Notification of Practice Location

844 IAC 13-7-1 Professional sign; notification of public; facility requirements
Authority: IC 25-22.5-2-7
Affected: IC 25-1-9; IC 25-22.5-1

Sec. 1. (a) A practitioner has a duty and responsibility in the establishment of an office for the practice of acupuncture to maintain a sign clearly visible to the public indicating the name or names of all practitioners practicing at that location. The minimum requirements on the sign are the practitioner's name and title.

(b) The practitioner's title may be written as follows:

(1) If a practitioner is licensed under this article, the practitioner may refer to themselves as either an acupuncturist or a licensed acupuncturist.

(2) If the practitioner is a professional, the practitioner may use:

(A) the doctorate initials, such as D.C., D.D.S., or D.P.M.; or

(B) acupuncturist.

(c) A sign may not be misleading to the public.

(d) A practitioner has a duty and responsibility in the establishment of an office for the practice of acupuncture

to maintain a safe and hygienic facility adequately equipped to provide acupuncture services. *(Medical Licensing Board of Indiana; 844 IAC 13-7-1; filed Oct 9, 2001, 2:52 p.m.: 25 IR 811)*

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TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #01-179(F)

DIGEST

Amends 868 IAC 1.1-15-11 concerning continuing education requirements for license renewal. Effective 30 days after filing with the secretary of state.

868 IAC 1.1-15-11

SECTION 1. 868 IAC 1.1-15-11 IS AMENDED TO READ AS FOLLOWS:

868 IAC 1.1-15-11 License period; number of hours required

Authority: IC 25-33-1-3; IC 25-33-2-5
Affected: IC 25-33-2

Sec. 11. **(a)** During each two (2) year license period, a psychologist endorsed as a health service provider in psychology must complete at least forty (40) hours of continuing education of which at least twenty (20) hours must be in Category I courses. ~~and no~~

(b) A psychologist may not earn more than twenty (20) ~~hours may be~~ Category II ~~courses.~~ **credit hours toward the requirements under this section.**

(c) Effective for the license period beginning September 1, 2002, and every license period thereafter, a psychologist must earn at least six (6) hours of continuing education in ethics, a minimum of three (3) hours of which must be Category I courses. *(State Psychology Board; 868 IAC 1.1-15-11; filed May 10, 1994, 5:00 p.m.: 17 IR 2341; filed Apr 24, 2000, 12:13 p.m.: 23 IR 2243; readopted filed Apr 23, 2001, 11:30 a.m.: 24 IR 2896; filed Oct 9, 2001, 4:30 p.m.: 25 IR 812)*

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