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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD #02-188(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING CORRECTIONS TO PERMITTING RULES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at 326 IAC 2 concerning air permits. The amendments will include corrections, clarifications, and resolution of issues related to federal approval of minor new source review rules. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 2.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

In December of 1998, amendments to regulations in 326 IAC 2 concerning air permitting were promulgated that reorganized the rules and updated procedural requirements. The process for modifications, which had been in a separate section, was moved into the specific rules for the different operating programs. Some of the procedures were also revised at that time. Now that these regulations have been in effect for several years, it has become evident that there is a need for corrections and clarifications to reduce confusion in some parts of Article 2.

In addition, U. S. EPA has informally identified issues that may need revision for federal approval of the minor new source review rules. One issue is the federal enforceability of interim approvals in 326 IAC 2-13. Another is the level of compliance monitoring in source specific operating agreements regulated in 326 IAC 2-9. Other revisions necessary for federal approval may be identified in the course of this rulemaking and will also be addressed.

IDEM will recommend amendments that will include corrections and clarifications throughout Article 2, and resolution of issues related to federal approval of minor new source review rules.

This rulemaking potentially could impact anyone required to obtain an air permit in Indiana. Both industry and the public will benefit from the clarifications and corrections to be made by providing language that is easier to understand. Revisions to the rules that enable U.S. EPA to approve rules will provide consistency between state and federal requirements.

IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#02-188(APCB) Permit Rules
Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 31, 2002.

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

Janet McCabe
Assistant Commissioner
Office of Air Quality