

Document: IC 13-14-9 Notice, **Register Page Number:** 26 IR 3961
Source: September 1, 2003, Indiana Register, Volume 26, Number 12

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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD #03-228(APCB)

DEVELOPMENT OF AMENDMENTS TO AND NEW RULES CONCERNING THE DEFINITION OF PARTICULATE MATTER AND AMBIENT AIR QUALITY STANDARDS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 326 IAC 1-2-52 concerning the definition of particulate matter and 326 IAC 1-3-4 concerning ambient air quality standards. This rulemaking proposes to add ambient air quality standards for PM_{2.5} and a revised PM₁₀ standard to state rules and add new rules concerning definitions for PM_{2.5}, PM₁₀, particulate matter emissions, PM₁₀ emissions, and total suspended particulate (TSP). 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 1-2; 326 IAC 1-2-52; 326 IAC 1-3-4.

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On July 18, 1997, U.S. EPA announced revisions to the national ambient air quality standards (NAAQS) for particulate matter (PM). The current primary PM standards were revised in the following respects: two (2) new PM_{2.5} standards were established, and the current PM₁₀ standard was revised. The new annual standard for PM_{2.5} is 15 micrograms/cubic meter (ug/m³) and the new 24-hour standard is 65 micrograms/cubic meter (65 ug/m³).

The PM_{2.5} standards focus on microscopic soot and dust particles that can penetrate deep into the lungs. PM_{2.5} is PM with an aerodynamic diameter less than or equal to two and five-tenths (2.5) micrometers. Studies have demonstrated that inhaled PM affects health and that the smaller the size of the PM the greater the health impact. Currently the indicators used to regulate PM are PM₁₀ (PM with an aerodynamic diameter less than or equal to ten (10) micrometers) and PM_{2.5}. U.S. EPA refers to PM₁₀ as PM coarse and PM_{2.5} as PM fine.

More recent studies have determined that PM_{2.5} is a health risk independent of PM₁₀ and should be regulated separately but in addition to PM₁₀. In 1997, U.S. EPA promulgated new ambient air quality standards to regulate PM as PM_{2.5} (in addition to PM₁₀) and to establish levels of PM_{2.5} in the ambient air determined to protect the public health with an adequate margin of safety (67 FR 38651). Recommendations are to be made to U.S. EPA by February 15, 2004, regarding the designation of any area within the state as nonattainment with the PM_{2.5} national ambient air quality standard. U.S. EPA will promulgate the designations by December 2004.

U.S. EPA was sued in 1997 concerning the PM ambient air quality standards. U.S. EPA must make a final decision regarding whether or not to revise the PM standards by December 20, 2005. There are inconsistencies between the state definition of "particulate matter" and the federal definitions of "particulate matter" and related definitions. The current state definition of "particulate matter" is a composite of several federal definitions.

This rulemaking will add a definition of PM_{2.5} to state rules, add the new PM_{2.5} standards, and the revised PM₁₀ standard to state rules; clarify the existing definition of particulate matter at 326 IAC 1-2-52; provide separate definitions for "PM₁₀", "PM_{2.5}", "TSP", and to add the federal definitions of "particulate emissions" and "PM₁₀ emissions" to state rules. The rule, upon promulgation as a final rule, will be submitted to U.S. EPA as a revision to the SIP.

Alternatives To Be Considered Within the Rulemaking

Indiana's air rules need be updated to reflect the new standards for PM_{2.5}. If Indiana does not update the standards, Indiana will not be able to implement the federal standards. This update includes adding the new PM_{2.5} standards and the revised PM₁₀ standard as well as the definition for PM_{2.5}. Adding the new PM_{2.5} standard may require clarification of existing PM, PM₁₀, and TSP standards.

There are three alternatives to be considered for the draft rule language for the particulate matter standards: 1) direct incorporation by reference; 2) write language directly from the federal standards; or 3) develop new language.

Indiana could choose not to update the current definition of "particulate matter", but the definition of "particulate matter" is in need of clarification.

Applicable Federal Law

This rulemaking assures sources that Indiana's rules are consistent with federal rules. The general public will benefit from this rule since the state will be able to enforce the federal standards that are promulgated to improve the environment, thus providing for increased protection of public health and welfare.

Potential Fiscal Impact

There are no direct costs associated with this rulemaking. However, there will be costs associated with PM_{2.5} implementation measures. Those costs are indeterminate at this time. There should be a decrease in health costs once the state meets the new standards.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Gayla Killough, Rule Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

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.
- (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:

#03-228(APCB) Particulate Matter
Gayla Killough
c/o Rules Section Administrative Assistant
Rule Development Section
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 10th 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 Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 1, 2003.

Additional information regarding this action may be obtained from Gayla Killough, Rule Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Janet McCabe
Assistant Commissioner
Office of Air Quality