

Document: IC 13-14-9 Notice, **Register Page Number:** 27 IR 2082

Source: March 1, 2004, Indiana Register, Volume 27, Number 6

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TITLE 326 AIR POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 AND SECOND NOTICE OF COMMENT PERIOD #04-44(APCB)

READOPTION OF RULES CONCERNING EXEMPTIONS AND REGISTRATIONS FOR CONSTRUCTION OF NEW SOURCES, REGISTRATIONS, MINOR SOURCE OPERATING PERMIT PROGRAM, AND SOURCE SPECIFIC OPERATING AGREEMENT PROGRAM

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is proposing the readoption of 326 IAC 2-5.1-1 concerning exemptions to construction of new sources, 326 IAC 2-5.1-2 concerning construction of new sources that will operate under a registration, 326 IAC 2-5.5 concerning registrations, 326 IAC 2-6.1 concerning the minor source operating permit program, and 326 IAC 2-9 concerning the source specific operating agreement program. The purpose of this notice is to seek public comment on the draft rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration of rules for one year. Executive Order #03-53, issued December 30, 2003, and printed at 27 IR 1663, postpones the expiration of 326 IAC 2-9-2.5, 326 IAC 2-9-3, 326 IAC 2-9-5, 326 IAC 2-9-7, and 326 IAC 2-9-14 until January 1, 2005.*

CITATIONS AFFECTED: 326 IAC 2-5.1-1; 326 IAC 2-5.1-2; 326 IAC 2-5.5; 326 IAC 2-6.1; 326 IAC 2-9.

AUTHORITY: IC 13-14-9; IC 13-14-9.5.

STATUTORY REQUIREMENTS

IC 13-14-9-7 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of first public comment period would provide no substantial benefit, IDEM may forego this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC 13-14-9-7, the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-7.

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [IC 13-14-9-3]... would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

Basic Purpose and Explanation of Limited Rulemaking Policy Alternatives

In 1996, the Indiana Legislature provided for the expiration of certain administrative rules unless expressly readopted under IC 13-14-9.5. The rules in this notice, 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5, 326 IAC 2-6.1, and 326 IAC 2-9, are subject to IC 13-14-9.5. All rules adopted after December 31, 1995, expire on January first of the seventh year after the year in which the rule takes effect. IC 13-14-9.5-4(a) provides that the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. IC 13-14-9.5-4(b) provides that if a person submits a written request and a basis for the request to the department or board that has rulemaking authority under Title 13 during the first comment period, that a particular rule be readopted separately from the readoption rule described in subsection (a), the department or board must readopt the rule separately from the readoption rule and follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule. In the First Notice of Comment Period for

the sunset rulemaking (LSA #00-44), comments were received on 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5, 326 IAC 2-6.1, and 326 IAC 2-9.

Because a request that these rules be readopted separately and a basis for the request was submitted during the first comment period under IC 13-14-9.5-4, these rules were not readopted in the first sunset rulemaking and must now go through the IC 13-14-9 regular environmental rulemaking process. Limited rulemaking policy alternatives exist for these rules because the sources subject to these rules must be able to continue complying with the rules and not be in violation of federal and state law for operating without a permit. No changes to the existing rule language are being proposed, therefore, the department is publishing this Section 7 notice with the current text of the rules for public comment.

326 IAC 2-5.1-1, Exemptions from Construction of New Sources

The exemptions in 326 IAC 2-5.1-1 clarify which sources are subject to 326 IAC 2-5.1 concerning construction of new sources. If this section of the rule were not available, there would not be a clear mechanism determining applicability of the rule. This rule has been beneficial to the public and to businesses because it clarifies the applicability of the rule.

326 IAC 2-5.1-1 was adopted in 1998 and will expire on January 1, 2005.

The number of sources covered by 326 IAC 2-5.1-1 is unknown. This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-5.1-1. IDEM proposes no changes to this rule.

326 IAC 2-5.1-2 and 326 IAC 2-5.5, Registrations

The requirements of 326 IAC 2-5.1-2 and 326 IAC 2-5.5 apply to certain sources that are not required to obtain a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, 326 IAC 2-9, 326 IAC 2-10, or 326 IAC 2-11. Any source that is not exempt under 326 IAC 2-1.1-3(d), and that has a potential to emit less than one hundred (100) tons per year (TPY) for carbon monoxide, less than five (5) TPY for lead, or less than twenty-five (25) TPY of any other regulated pollutant, is required to obtain a registration from IDEM. Any source subject to 326 IAC 20-8 and consisting of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent also must register. The requirements of 326 IAC 2-5.1-2 are for the construction of a source that will obtain a registration to operate. The requirements of 326 IAC 2-5.5 provide instructions for obtaining operating approval under a registration. An operating permit is not necessary for these sources since operating conditions will be included in the registration. If this rule were not available, sources would be required to obtain a permit, which would be more costly to the source. These rules have been beneficial to the public and to businesses because they provide a one-time approval which does not expire, is inexpensive, and ensures the enforcement of important applicable requirements without adding complex permitting requirements.

326 IAC 2-5.1-2 and 326 IAC 2-5.5 sections 1 through 6 were adopted in 1998 and will expire on January 1, 2005.

The number of sources covered by 326 IAC 2-5.5 is about three hundred ten (310). This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-5.1-2 and 326 IAC 2-5.5. IDEM proposes no changes to these rules.

326 IAC 2-6.1, Minor Source Operating Permit Program

The minor source operating permit program at 326 IAC 2-6.1 requires sources that do not qualify for a registration under 326 IAC 2-5.5, but have a potential to emit that is below Title V thresholds to be permitted under the minor source operating permit program. The minor source operating permit program also covers sources subject to 326 IAC 20-8 that do not qualify for the registration program and medical waste incinerators subject to 40 CFR 60, Subpart Ec.

If this rule were not available, air emissions from these sources would be unpermitted.

The minor source operating permit program rule has been beneficial to the public and to businesses because it provides a program that protects the environment using a less complex permit than for larger sources. This program also provides a simple compliance tool for small sources and is less expensive than a major permit.

326 IAC 2-6.1, sections 1, 4, and 7 were adopted in 1998 and will expire on January 1, 2005. Sections 2, 3, 5, and 6 were more recently adopted but are included in this readoption process to provide all sections of the rule with the same filing date.

The number of sources that are covered by 326 IAC 2-6.1 is about three hundred thirty-three (333). This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-6.1. IDEM proposes no changes to these rules.

326 IAC 2-9, Source Specific Operating Agreements

The source specific operating agreements (SSOAs) at 326 IAC 2-9 allow specific types of activities to operate under the pre-established terms of the SSOA. Although a source may not simultaneously operate under more than one of the same type of SSOA or under a SSOA and some other type of operating permit, sources can operate under up to four (4) different SSOAs, so long as the total potential to emit for any regulated pollutant, as limited by the SSOAs, does not exceed major source levels. In all, there are twenty-three (23) separate SSOAs available to applicants, covering thirteen (13) specific types of activities. Although final issuance of a SSOA is appealable, there is no public comment period. Except for coal mining and some stone crushing facilities, sources operating under a SSOA do not have an annual fee but must file an annual compliance certification. A SSOA does not need to be renewed as long as the source complies with the operational limits in the agreement.

Those operating under a SSOA not only avoid participation in an operating permit program, but in some instances can also avoid the need for a construction permit because certain SSOAs limit emissions to below twenty-five (25) tons per year (TPY), which is

the new source construction permit threshold.

If this rule were not available, these sources would be required to obtain a Title V permit or would have to limit potential to emit through a FESOP.

This rule has been beneficial to the public and to businesses because it provides an easy and inexpensive application process for sources with a large potential to emit and low actual emissions. SSOAs are simple, one-time operating agreements that provide the applicable requirements and necessary compliance monitoring to assure the potential to emit is limited below the major source thresholds.

Most sections of 326 IAC 2-9 were adopted in 1997 and under IC 13-14-9.5 would expire on January 1, 2004. An extension of one year, pursuant to IC 13-14-9.5 has been granted by the Governor, so these sections expire January 1, 2005.

Nearly seven hundred (700) sources are covered by 326 IAC 2-9. This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-9. IDEM proposes no changes to these rules.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

The federal air permitting program deals only with major sources, leaving the permitting of smaller sources to the state programs. These rules all concern sources that are either not required to be permitted under the federal permitting programs, or have taken limits to avoid being subject to the federal permitting program. The requirements in these rules are not new, but are currently in the state rules.

The following elements of the draft rule impose either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

The following information is provided with each requirement not imposed under federal law:

- (1) *Environmental Circumstance*: The environmental circumstance or hazard dictating the imposition of the requirement in order to protect human health and the environment in Indiana; and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) *Fiscal Impact*: The estimated fiscal impact and expected benefits of the requirement, based on the extent to which the requirement exceeds the requirements of federal law.
- (3) *Reference Material*: The availability for public inspection of all materials relied on by IDEM in the development of the requirement including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

A: 326 IAC 2-5.1-1, Exemptions to Construction of New Sources

1. *Environmental Circumstance*: The exemptions to construction of new sources are specific state provisions developed to guide sources to the appropriate permitting program.
2. *Fiscal Impact*: The exemptions save qualified sources the cost of permit fees.
3. *Reference Material*: This type of material was not applicable to the development of the requirement.

B: 326 IAC 2-5.1-2 and 326 IAC 2-5.5, Registrations

1. *Environmental Circumstance*: Registrations are specific state requirements developed to regulate small sources in Indiana without the financial and administrative burden of the federal program.
2. *Fiscal Impact*: These registration programs have been in place since the early 1980s. The current filing fee is one hundred dollars (\$100) to be submitted with any application under 326 IAC 2-5.5, and a fee of five hundred dollars (\$500) for the construction of a new source under 326 IAC 2-5.1-2.
3. *Reference Material*: This type of material was not applicable to the development of the requirement.

C: 326 IAC 2-6.1, Minor Source Operating Program

1. *Environmental Circumstance*: Minor source operating permits are specific state requirements developed to regulate small sources in Indiana without the financial and administrative burden of the federal program.
2. *Fiscal Impact*: A state operating permit program has been in place since the early 1980s. The current filing fee is one hundred dollars (\$100) to be submitted with the application, and an annual operating fee of two hundred dollars (\$200). There is no renewal fee.
3. *Reference Material*: This type of material was not applicable to the development of the requirement.

D: 326 IAC 2-9, Source Specific Operating Agreements

1. *Environmental Circumstance*: Source specific operating agreements (SSOAs) are specific state programs developed to regulate small sources in Indiana without the financial and administrative burden of the federal program.
2. *Fiscal Impact*: The SSOAs have been in place since the 1997. The current filing fee is one hundred dollars (\$100) to be submitted with any application under 326 IAC 2-9, and a fee of five hundred dollars (\$500) for a combined application submittal for up to four SSOAs. In opting to be subject to a SSOA, the source would not be paying the higher fees associated with a FESOP or Title V permit.

3. *Reference Material*: This type of material was not applicable to the development of the requirement.

Potential Fiscal Impact

If any of these rules expire, the fees associated with them would no longer be paid to the State. It is not possible to calculate the fiscal impact of not regulating sources under these programs, except that SSOAs would be subject to either Title V or FESOP and required to pay the fees associated with the applicable permit program. If the rules are amended, the potential fiscal impact will not be assessable until the nature of the rule amendments being proposed is known. If the rules are readopted with no changes, there will be no fiscal impact to the sources, the department, or citizens.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Christine Pedersen, Rules Development Section, Office of Air Quality at (317) 233-6868 or (800) 451-6021 (in Indiana).

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on: 326 IAC 2-5.1-1, Exemptions to Construction of New Sources; 326 IAC 2-5.1-2, Registrations for Construction of New Sources; 326 IAC 2-5.5, Registrations; 326 IAC 2-6.1, Minor Source Operating Permit Program; and 326 IAC 2-9, Source Specific Operating Agreement Program. These findings are prepared under IC 13-14-9-7 and are as follows:

- (1) Rule 326 IAC 2-9 will expire on January 1, 2005, by extension of the Governor pursuant to IC 13-14-9.5. This rule is necessary to the operation of a comprehensive permitting program under 326 IAC 2.
- (2) Rules 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5, and 326 IAC 2-6.1, will expire on January 1, 2005, pursuant to IC 13-14-9.5. These rules are necessary to the operation of a comprehensive permitting program under 326 IAC 2.
- (3) These rules provide a less costly and burdensome process for relatively small sources of air pollution to comply with air permitting requirements.
- (4) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (5) The draft rules are hereby incorporated into these findings.

Lori Kaplan

Commissioner

Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

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

#04-44(APCB)[Readoption of 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5, 326 IAC 2-6.1, and 326 IAC 2-9]

Christine Pedersen

c/o 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 receptionist on duty at the Tenth Floor East reception desk, Office of Air Quality, 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 March 31, 2004.

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

DRAFT RULE

SECTION 1. 326 IAC 2-5.1-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.1-1 Exemptions

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

Affected: IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:

- (1) New sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or not specifically required to obtain a registration or permit under this rule.
- (2) Existing sources operating pursuant to a permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
- (3) Existing sources operating pursuant to a source specific operating agreement under 326 IAC 2-9.
- (4) Existing sources operating pursuant to a permit by rule under 326 IAC 2-10 or 326 IAC 2-11.

(Air Pollution Control Board; 326 IAC 2-5.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008)

SECTION 2. 326 IAC 2-5.1-2 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.1-2 Registrations

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

Affected: IC 4-21.5-3-4; IC 13-15-4-9; IC 13-17

Sec. 2. (a) On and after the effective date of this rule, this section applies to the following new sources:

- (1) Sources with a potential to emit within the following ranges:
 - (A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).
 - (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:
 - (i) Sulfur dioxide (SO₂).
 - (ii) Nitrogen oxides (NO_x).
 - (C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources not described in clause (D).
 - (D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.
 - (E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
 - (F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
 - (G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H₂S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.
- (2) Any source that:
 - (A) is subject to 326 IAC 20-8; and
 - (B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(b) No person subject to subsection (a) shall construct or operate any new source subject to this section without registering the new source with the commissioner.

(c) The registrant shall submit an application in accordance with this rule to the commissioner. The application shall include the following information:

- (1) Company name and address.
- (2) Descriptive information as follows:
 - (A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(e) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

(f) A registration issued by the commissioner shall include terms and conditions that include all of the following:

(1) Identification of any and all applicable requirements.

(2) A physical description of the emissions unit or units and operating information consistent with the application information.

(3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(4) An approval to operate in accordance with 326 IAC 2-5.5.

(g) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(h) The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4.

(i) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008*)

SECTION 3. 326 IAC 2-5.5-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The following shall be exempt from the requirements of this rule:

(1) Existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a registration under this rule.

(2) Existing sources operating pursuant to one (1) of the following:

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

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

(C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

- (E) A permit by rule under 326 IAC 2-11.
- (F) A minor source operating permit under 326 IAC 2-6.1.

(b) On and after the effective date of this rule, this rule applies to the following existing sources:

(1) Sources with a potential to emit within the following ranges:

- (A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).
- (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:
 - (i) Sulfur dioxide (SO₂).
 - (ii) Nitrogen oxides (NO_x).
- (C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources that are not described in clause (D).
- (D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.
- (E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
- (F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
- (G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H₂S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.

(2) Any existing source that:

- (A) is subject to 326 IAC 20-8; and
- (B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(c) No person subject to subsection (b) shall operate an existing source subject to this rule without registering the source with the commissioner. (*Air Pollution Control Board; 326 IAC 2-5.5-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

SECTION 4. 326 IAC 2-5.5-2 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-2 Compliance schedule

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Any chrome electroplating source that meets the applicability criteria under section 1(b)(2) of this rule shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air registration shall apply for approval under this rule no later than twenty-four (24) months from the effective date of this rule.

(c) Any existing source not described by subsection (a) that does not have a valid air registration shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule. (*Air Pollution Control Board; 326 IAC 2-5.5-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

SECTION 5. 326 IAC 2-5.5-3 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-3 Application requirements

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

Affected: IC 13-15-4-9; IC 13-17

Sec. 3. (a) Any person required to prepare an application under section 1(b) of this rule shall prepare and submit a permit application to the commissioner in accordance with this section.

(b) The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(c) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-5.5-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012*)

SECTION 6. 326 IAC 2-5.5-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-4 Registration content

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) A registration issued by the commissioner shall include terms and conditions that include all of the following:

(1) Identification of any and all applicable requirements.

(2) A physical description of the emissions unit or units and operating information consistent with the application information.

(3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(b) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(c) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.5-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013*)

SECTION 7. 326 IAC 2-5.5-5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-5 Public notice

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

Affected: IC 4-21.5-3-4; IC 13-15; IC 13-17

Sec. 5. The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4. (*Air Pollution Control Board; 326 IAC 2-5.5-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013*)

SECTION 8. 326 IAC 2-5.5-6 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-5.5-6 Source modification

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

Affected: IC 13-15; IC 13-17

Sec. 6. (a) Any person proposing to construct new emissions units, modify existing emissions units, or otherwise modify the source as described in this section shall submit an application or notification in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

- (1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;
- (2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and
- (3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or registration revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or registration revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following:

- (1) The information required under section 3(b) of this rule.
- (2) Identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements as appropriate.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

- (1) Changes correcting typographical errors.
- (2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.
- (3) Changes in ownership or operational control of a source.
- (4) Modifications that would require more frequent monitoring or reporting.
- (5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-5.1-3(a) or a significant change in the method or methods to demonstrate or monitor compliance.
- (6) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.
- (8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60, 40 CFR 61, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.
- (9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.
- (10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs unless the modification would increase

the potential to emit of the source above ten (10) tons per year of a single HAP or twenty-five (25) tons per year of any combination of HAPs.

(11) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless:

- (A) the modification results in the replacement or repair of an entire process;
- (B) the modification qualifies as a reconstruction of an entire process; or
- (C) the modification may result in an increase of actual emissions.

(12) Modifications that consist of emission units described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(31).

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) days of making the change or modification and shall include the information required under section 3(b) of this rule. The notification shall be sent by one (1) of the following means:

- (1) Certified mail.
- (2) Delivery by hand or express service.
- (3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the registration consistent with the following:

- (1) The commissioner shall revise the registration within thirty (30) days of receipt of the notification.
- (2) The commissioner shall send a copy of the revised registration to the registrant.
- (3) The registrant may implement the change or modification upon submittal of the notification.

(g) Any person proposing to make a change or modification not described in subsection (d) shall submit an application concerning the change or modification prior to making the change or modification and shall include the information under subsection (c).

(h) An application submitted in accordance with subsection (g) shall be processed as follows:

(1) Within forty-five (45) days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

- (A) Approve the modification request and issue a revised registration incorporating the modification.
- (B) Determine that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
- (C) Deny the modification request.

(2) If after review of the application, the commissioner determines that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the commissioner shall:

- (A) notify the source of the requirement to obtain an operating permit;
- (B) provide the source with the appropriate permit application forms; and
- (C) issue or deny the operating permit pursuant to the requirements in 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, whichever is applicable.

(Air Pollution Control Board; 326 IAC 2-5.5-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106)

SECTION 9. 326 IAC 2-6.1-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-1 Exemptions

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

Affected: IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:

(1) Existing sources or modifications to existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a permit under this rule shall be exempt from the requirements of this rule.

(2) Existing sources operating pursuant to one (1) of the following:

- (A) A Part 70 permit under 326 IAC 2-7.
- (B) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.
- (C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(Air Pollution Control Board; 326 IAC 2-6.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015)

SECTION 10. 326 IAC 2-6.1-2 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-2 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 2. Except for sources required to have a Part 70 permit as described in 326 IAC 2-7-2, sources in existence prior to December 25, 1998, and meeting any of the applicability criteria under 326 IAC 2-5.1-3(a) shall apply for an air operating permit as described in this rule. *(Air Pollution Control Board; 326 IAC 2-6.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572)*

SECTION 11. 326 IAC 2-6.1-3 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-3 Compliance schedule

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Any chrome electroplating source that meets the applicability criteria under 326 IAC 2-5.1-3 or medical waste incinerator subject to 40 CFR 60, Subpart Ce*, shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air operating permit must apply for approval under this rule no later than ninety (90) days prior to the expiration date of that permit, except for the following:

- (1) A source subject to the Part 70 Operating Permit Program under 326 IAC 2-7.
- (2) A source subject to the FESOP program under 326 IAC 2-8.
- (3) A source subject to source specific operating agreement requirements under 326 IAC 2-9.
- (4) A source subject to the requirements under 326 IAC 2-10 or 326 IAC 2-11.

(c) Any existing source not described by subsection (a) that does not have a valid air operating permit shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(d) Submittal of a complete Part 70 operating permit application under 326 IAC 2-7-3 and 326 IAC 2-7-4, whether before or after the effective date of this rule, shall satisfy the requirements of this rule.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. *(Air Pollution Control Board; 326 IAC 2-6.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed May 21, 2002, 10:20 a.m.: 25 IR 3062)*

SECTION 12. 326 IAC 2-6.1-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-4 Application requirements

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

Affected: IC 13-15-4-9; IC 13-17

Sec. 4. (a) At a minimum, an application for a permit or permit revision shall include the following information:

- (1) The company name and address.
- (2) The following descriptive information:
 - (A) A description of the nature and location of the proposed construction or modification.

- (B) The design capacity and typical operating schedule of the proposed construction or modification.
- (C) A description of the source and the emissions unit or units comprising the source.
- (D) A description of any emission control equipment, including design specifications.
- (3) A schedule for construction or modification of the source or emissions unit.
- (4) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of significant deterioration maximum allowable increase under 326 IAC 2-2:
 - (A) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutant.
 - (B) Estimates of offset credits as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.
 - (C) Monitoring, testing, reporting, and record keeping requirements.
 - (D) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.
- (5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(b) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

- (1) do not contain adequate information for the commissioner to process the application; or
- (2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-6.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106*)

SECTION 13. 326 IAC 2-6.1-5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-5 Operating permit content

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

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Permits or permit revisions issued under this rule shall contain the following:

- (1) Emission limitations for any source or emissions unit that assure:
 - (A) the ambient air quality standards set forth in 326 IAC 1-3 will be attained or maintained, or both;
 - (B) the applicable prevention of significant deterioration maximum allowable increases set forth in 326 IAC 2-2 will be maintained;
 - (C) the public health will be protected; and
 - (D) compliance with the requirements of this title and the requirements of the CAA will be maintained.
- (2) Monitoring, testing, reporting, and record keeping requirements that assure reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA. Such requirements shall be in accordance with 326 IAC 3 and other applicable regulations.
- (3) A requirement that any revision of an emission limitation, monitoring, testing, reporting, and record keeping requirements shall be made consistent with the permit revision requirements under section 6 of this rule and the procedures under this rule.
- (4) A requirement that upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following at a reasonable time of day and in accordance with safety requirements:
 - (A) Enter upon the premises where a permitted source is located or emissions-related activity is conducted or where records required by a permit term or condition are kept.
 - (B) Have access to and copy any records that must be kept under this title or the conditions of a permit or operating permit

revision.

(C) Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under a permit or operating permit revision.

(D) Sample or monitor substances or parameters for the purpose of assuring compliance with a permit, permit revision, or applicable requirement as authorized by the CAA and this title.

(E) Document alleged violations using cameras or video equipment. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.1.

(5) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the permit or registration. The commissioner may request that the source provide an identification of all emission units that have been installed that are described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(31) with the annual notification.

(b) An operating permit issued under this rule may include terms and conditions that, notwithstanding the permit modification or revision requirements under section 6 of this rule, allow the source to make modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

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

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

(c) The commissioner shall not issue a minor source operating permit that includes terms and conditions that limit the potential to emit of the source to below emission thresholds for a Part 70 permit. (*Air Pollution Control Board; 326 IAC 2-6.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1016; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572*)

SECTION 14. 326 IAC 2-6.1-6 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-6 Permit revisions

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

Affected: IC 13-15-5; IC 13-17

Sec. 6. (a) Any person proposing to construct new emission units, modify existing emission units, or otherwise modify the source as described in this section shall submit an application or notification for a permit revision in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following information:

(1) The company name and address.

(2) A description of the change and the emissions resulting from the change.

(3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(4) A schedule of compliance, if applicable.

(5) Each application or notification shall be signed by an authorized individual whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be modified and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall also constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

- (1) Changes correcting typographical errors.
- (2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.
- (3) Changes in ownership or operational control of a source.
- (4) Modifications that would require more frequent monitoring or reporting.
- (5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-1.1-3(d)(1) or a significant change in the method or methods to demonstrate or monitor compliance.
- (6) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60*, 40 CFR 61*, or 40 CFR 63*.
- (8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60*, 40 CFR 61*, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.
- (9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.
- (10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs.
- (11) A modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under 326 IAC 2-9 or a general permit under 326 IAC 2-12.
- (12) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:
 - (A) results in the replacement or repair of an entire process;
 - (B) qualifies as a reconstruction of an entire process; or
 - (C) may result in an increase of actual emissions.
- (13) A modification that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 326 IAC 2-3.
- (14) A modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:
 - (A) 40 CFR 60.40c*, except for modifications to a source located in Lake County.
 - (B) 40 CFR 60.110b*.
 - (C) 40 CFR 60.250*, except for modifications that include thermal dryers.
 - (D) 40 CFR 60.330* for modifications that only include emergency generators.
 - (E) 40 CFR 60.670*.
 - (F) 40 CFR 61.110*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.

(15) A modification that is subject to the following new source performance standards (NSPSs), except for modifications that would be subject to 326 IAC 8-1-6:

- (A) 40 CFR 60.310*.

- (B) 40 CFR 60.390*.
- (C) 40 CFR 60.430*.
- (D) 40 CFR 60.440*.
- (E) 40 CFR 60.450*.
- (F) 40 CFR 60.460*.
- (G) 40 CFR 60.490*.
- (H) 40 CFR 60.540*.
- (I) 40 CFR 60.560*.
- (J) 40 CFR 60.580*.
- (K) 40 CFR 60.600*.
- (L) 40 CFR 60.660*.
- (M) 40 CFR 60.720*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) calendar days of making the change or modification and shall include the information required under subsection (c). The notification shall be sent by one (1) of the following means:

- (1) Certified mail.
- (2) Delivery by hand or express service.
- (3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the permit within thirty (30) days of receipt of the notification. The commissioner shall provide the permittee with a copy of the revised permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(g) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

(1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.

(2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.

(3) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not increase the potential to emit any regulated pollutant greater than the thresholds under subdivision (4), but requires a significant change in the method or methods to demonstrate or monitor compliance.

(4) Modifications that would have a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO₂).

(ii) Nitrogen oxides (NO_x).

(iii) Volatile organic compounds (VOC) for modifications that are not described in clause (C).

(C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H₂S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(5) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than hazardous air pollutants, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b)

of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:

- (A) Limiting total annual solvent usage or maximum volatile organic compound content, or both.
- (B) Limiting annual hours of operation of the process or business.
- (C) Using a particulate air pollution control device as follows:
 - (i) Achieving and maintaining ninety-nine percent (99%) efficiency.
 - (ii) Complying with a no visible emission standard.
 - (iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.
 - (iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).
- (D) Limiting individual fuel usage and fuel type for a combustion source.
- (E) Limiting raw material throughput or sulfur content of raw materials, or both.
- (6) A modification that is not described under subsection (d)(14) or (d)(15) and is subject to a RACT, a NSPS, or a NESHAP, and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- (7) A change for which a source requests an emission limit to avoid 326 IAC 8-1-6.

(h) Minor permit revision procedures are as follows:

- (1) Any person proposing to make a modification described in subsection (g) shall submit an application concerning the modification and shall include the information under subsection (c).
- (2) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.
- (3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:
 - (A) Approve the minor permit revision request.
 - (B) Deny the minor permit revision request.
 - (C) Determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards, would allow for an increase in emissions greater than the thresholds in subsection (i), or would not provide for compliance monitoring consistent with this rule and should be processed as a significant permit revision.
- (4) The permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall make all changes necessary to assure compliance with this title and the CAA prior to attaching the amendment to the permit. The commissioner shall notify the source upon attachment of the minor permit revision to the permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(i) Significant permit revision procedures are as follows:

- (1) Significant permit revisions are those changes that are not subject to subsection (d) or (g) and include the following:
 - (A) Any modification that would be subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.
 - (B) Any modification that results in the source needing to obtain a FESOP under 326 IAC 2-8 or a Part 70 permit under 326 IAC 2-7.
 - (C) A modification that is subject to 326 IAC 8-1-6.
 - (D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.
 - (E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:
 - (i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).
 - (ii) Sulfur dioxide (SO₂).
 - (iii) Nitrogen oxides (NO_x).
 - (iv) Volatile organic compounds (VOC).
 - (v) Hydrogen sulfide (H₂S).

- (vi) Total reduced sulfur (TRS).
- (vii) Reduced sulfur compounds.
- (viii) Fluorides.

(F) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

(I) Modifications involving a pollution control project as defined in 326 IAC 2-1.1-1 that result in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and require a significant change in the method or methods to demonstrate or monitor compliance.

(J) Modifications involving a pollution prevention project as defined in 326 IAC 2-1.1-1 that increase the potential to emit any regulated pollutant greater than the thresholds under this section.

(2) The following shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in subdivision (1) shall submit an application concerning the modification and shall include the information under subsection (c).

(B) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(C) The commissioner shall provide for public notice and comment in accordance with 326 IAC 2-1.1-6.

(D) The commissioner shall approve or deny the significant permit revision as follows:

(i) Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).

(ii) Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

(E) The permit shall be revised by incorporating the significant permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-6.1-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1017; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3062*)

SECTION 15. 326 IAC 2-6.1-7 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-6.1-7 Operating permit renewal

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) An operating permit shall be valid for a period of time not to exceed five (5) years. However, permits may be valid for any lesser period if determined necessary for administrative reasons by the commissioner.

(b) At least ninety (90) calendar days prior to the expiration date of an operating permit, the applicant shall apply for a new operating permit from the commissioner if the applicant wishes to continue operation of the source. If a timely and sufficient application for renewal has been made, the existing permit does not expire until a final decision on the application for renewal has been made by the department.

(c) The application for the operating permit renewal shall include the following information:

(1) Certification that the source has not changed from the initial permit issuance or that all modifications to the source have been reviewed and approved in accordance with this rule.

(2) Identification of any changes to the source that are subject to this article that have not received approval prior to construction or operation.

SECTION 16. 326 IAC 2-9-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-1 General provisions

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

Affected: IC 13-11-2; IC 13-14-8

Sec. 1. (a) The definitions provided in IC 13-11-2, 326 IAC 1-2, 326 IAC 2-7, and 326 IAC 2-8 apply throughout this rule.

(b) A source may limit its potential to emit by complying with the specific restrictions and conditions listed in this rule. A source electing to comply with this rule shall apply to the commissioner for a source specific operating agreement. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-6.1 unless otherwise required by state, federal, or local law. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the source specific operating agreement limits the source's potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7. Until the commissioner has issued an operating agreement for a source that would otherwise be subject to 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the source is subject to all applicable requirements of those rules. A source complying with this rule may at any time apply for a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

(c) The owner or operator of a source seeking an operating agreement shall submit a request to the commissioner. The request shall include all information necessary for the commissioner to verify that the source meets the applicable restrictions and conditions specified in this rule, including the following:

- (1) Identifying information.
- (2) Description of the nature, location, design capacity, and typical operating schedule of the source.
- (3) Description of the nature and amount of regulated pollutants emitted in the prior twelve (12) months.
- (4) Description of how the source will comply with the applicable restrictions and conditions specified in this rule.
- (5) Certification by a responsible official that the source shall comply with all applicable conditions of this rule.

The request shall be signed by a responsible official who shall certify that the information contained therein is accurate, true, and complete. Any applicable fees specified in this rule shall be submitted with the request.

(d) If the commissioner determines that the source meets the applicable restrictions and conditions specified in any applicable section of this rule, the commissioner shall issue the operating agreement. The operating agreement shall specify the source specific restrictions and conditions applicable to the source and shall also establish specific monitoring and reporting requirements. Any source for which the commissioner has issued a source specific operating agreement shall provide annual notice to the commissioner stating that the source is in operation and certifying that its operations are in compliance with applicable sections as specified in the operating agreement. This notice shall be submitted no later than January 30 of each year.

(e) Before a source subject to this section modifies its operations in such a way that it will no longer comply with the applicable restrictions and conditions of its source specific operating agreement, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8.

(f) Any records required to be kept by a source in accordance with any section of this rule shall be maintained at the site for at least five (5) years and shall be made available for inspection by the department upon request.

(g) A source may apply for up to four (4) different types of source specific operating agreements contained in this rule provided allowable emissions or potential to emit for any regulated air pollutant, as limited under the source specific operating agreements, do not exceed major source levels when aggregated. A source may combine up to four (4) applications. The one-time application fee for a combined application submittal shall be five hundred dollars (\$500).

(h) Any source subject to this rule shall report to the department, in writing, any exceedance of a requirement contained in this rule or its operating agreement within one (1) week of its occurrence. The exceedance report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.

(i) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided.

(j) Noncompliance with any applicable provision of this rule or any requirement contained in a source's operating agreement may result in the revocation of the operating agreement and make a source subject to the applicable requirements of a major source. (*Air Pollution Control Board; 326 IAC 2-9-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2280; filed Apr 1, 1996, 9:00 a.m.: 19 IR 1757; filed May 7, 1997, 4:00 p.m.: 20 IR 2303; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108*)

SECTION 17. 326 IAC 2-9-2.5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-2.5 Industrial or commercial surface coating operations not subject to 326 IAC 8-2; graphic arts operations not subject to 326 IAC 8-5-5

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

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

Sec. 2.5. (a) As used in this section, "solvent containing material" means any product used in surface coating or graphic arts operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

- (1) Coatings.
- (2) Inks.
- (3) Thinners.
- (4) Degreasing solvents.
- (5) Clean-up solvents.
- (6) Other additives.

(b) Except if it is a modification of a major source in Lake or Porter County subject to 326 IAC 2-3-3, any industrial or commercial surface coating operation not subject to the requirements of 326 IAC 8-2 or graphic arts operation not subject to the requirements of 326 IAC 8-5-5 may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) One (1) of the following:

(A) All surface coating or graphic arts operations at the source shall use two thousand (2,000) gallons or less of solvent containing material for every twelve (12) month period.

(B) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:

(i) The total amount of VOC shall not exceed two (2) tons per month.

(ii) The total amount of a single HAP shall not exceed eight hundred thirty-three (833) pounds per month.

(iii) The total amount of any combination of HAP shall not exceed one (1) ton per month.

(3) For surface coating or graphic arts operations complying with subdivision (2)(A), the following records shall be kept at the source:

(A) Purchase orders or invoices of solvent containing materials.

(B) An annual summation on a calendar year basis of purchase orders or invoices for all solvent containing materials.

(4) For surface coating or graphic arts operations complying with subdivision (2)(B), the following records shall be kept at the source:

(A) Number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) Material safety data sheets (MSDS) for each solvent containing material used.

(D) Monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(5) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the

rooftops or on the ground.

(6) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC and HAP totals and total VOC and HAP emissions for the previous twelve (12) months.

(Air Pollution Control Board; 326 IAC 2-9-2.5; filed May 7, 1997, 4:00 p.m.: 20 IR 2305)

SECTION 18. 326 IAC 2-9-3 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-3 Surface coating or graphic arts operations

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

Affected: IC 13-15; IC 13-17

Sec. 3. Any industrial or commercial surface coating operation or graphic arts operation may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:

(A) Fifteen (15) pounds per day from surface coating or graphic arts operations at sources located outside of Lake and Porter Counties.

(B) Seven (7) pounds per day from surface coating or graphic arts operations at sources located in Lake and Porter Counties.

(3) For surface coating or graphic arts operations complying with subdivision (2), the following records shall be kept at the source:

(A) Number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) Material safety data sheets (MSDS) for all VOC and HAP containing material used.

(D) Monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(5) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC totals and total VOC emissions for the previous twelve (12) months.

(Air Pollution Control Board; 326 IAC 2-9-3; filed May 7, 1997, 4:00 p.m.: 20 IR 2305)

SECTION 19. 326 IAC 2-9-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-4 Woodworking operations

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) Any woodworking operation subject to 326 IAC 6-1 or 326 IAC 6-3 may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the conditions under subsection (b), (c), (d), (e), or (f).

(b) Unless the operations meet the conditions of subsection (c), (d), (e), or (f), woodworking operations shall meet the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) The source shall not emit particulate matter with a diameter less than ten (10) microns (PM₁₀) in excess of one-thousandth (0.001) grain per actual cubic foot.

(3) The source shall discharge no visible emissions to the outside air from the woodworking operation.

(4) The source shall not at any time exhaust to the atmosphere greater than four hundred thousand (400,000) actual cubic feet per minute.

(5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(c) Unless the operations meet the conditions of subsection (b), (d), (e), or (f), woodworking operations shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.
- (3) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.
- (4) Opacity from the baghouse does not exceed ten percent (10%) opacity.
- (5) The baghouse is in operation at all times that the woodworking equipment is in use.
- (6) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (A) The baghouse shall be inspected.
 - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (7) The baghouse is inspected quarterly when vented to the atmosphere.
- (8) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(d) Unless the operations meet the conditions of subsection (b), (c), (e), or (f), woodworking operations shall meet the following conditions:

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

(e) Unless the operations meet the conditions of subsection (b), (c), (d), or (f), woodworking operations shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (3) The baghouse shall not exhaust greater than one hundred twenty-five thousand (125,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit particulate matter with a diameter less than ten (10) microns (PM_{10}) greater than one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes

in duration, the following shall occur:

- (A) The baghouse shall be inspected.
- (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(f) Unless the operations meet the conditions of subsection (b), (c), (d), or (e), woodworking operations shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (3) The baghouse shall not exhaust greater than sixty-five thousand (65,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit particulate matter with a diameter less than ten (10) microns (PM₁₀) greater than one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:

- (A) The baghouse shall be inspected.
- (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(g) The requirement to submit the five hundred dollar (\$500) application fee shall not apply to a source that has been issued an operating agreement under this section.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-9-4; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1060; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed May 21, 2002, 10:20 a.m.: 25 IR 3075*)

SECTION 20. 326 IAC 2-9-5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-5 Abrasive cleaning operations

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

Affected: IC 13-15; IC 13-17

Sec. 5. Any industrial or commercial source of abrasive cleaning operations may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (2) All abrasive cleaning operations shall be totally enclosed.
- (3) Emissions of particulate matter shall not exceed one-hundredth (0.01) grain per actual cubic foot per minute.
- (4) Air flow shall not exceed forty thousand (40,000) actual cubic feet per minute.

(5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(Air Pollution Control Board; 326 IAC 2-9-5; filed May 7, 1997, 4:00 p.m.: 20 IR 2306)

SECTION 21. 326 IAC 2-9-6 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-6 Grain elevators

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

Affected: IC 13-15; IC 13-17

Sec. 6. Any grain elevator subject to 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8 may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) Grain elevators with storage capacity less than or equal to one million (1,000,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following:

(A) Grain elevators shall not receive or ship more than three million (3,000,000) U.S. bushels of grain annually.

(B) Each source shall maintain records of the type and amount of grain received and shipped on an annual basis.

(3) Grain elevators with storage capacity greater than one million (1,000,000) U.S. bushels of grain but no more than two million five hundred thousand (2,500,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following provisions:

(A) Grain elevators shall not receive or ship more than ten million (10,000,000) U.S. bushels of grain annually.

(B) Each source shall limit particulate matter emissions through the application of mineral oil or soybean oil to all grain after it is received at an application rate of three-hundredths percent (0.03%) by weight or greater.

(C) Each source shall maintain the following records on a monthly basis:

(i) Type and amount of grain received and shipped.

(ii) Amount of mineral oil or soybean oil used and the rate of application.

(iii) Purchase orders and invoices for mineral oil or soybean oil.

(Air Pollution Control Board; 326 IAC 2-9-6; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1062)

SECTION 22. 326 IAC 2-9-7, PROPOSED TO BE AMENDED AT 26 IR 2009, SECTION 13, IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-7 Sand and gravel plants

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

Affected: IC 13-15; IC 13-17

Sec. 7. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.

(2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.

(3) "Surfactant" means any chemical additive that reduces the surface tension of water.

(4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

- (1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.
- (2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.
- (3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.
- (4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:
 - (A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.
 - (B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.
 - (C) A wet process or continuous wet suppressions shall be used.
 - (D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.
 - (E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.
 - (F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:
 - (i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. 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 at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
 - (ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). 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:
 - (AA) The first shall be taken at the time of emission generation.
 - (BB) The second shall be taken five (5) seconds after the first.
 - (CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
 - (G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to 326 IAC 6-4.
 - (H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants*, if applicable.
- (5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

SECTION 23. 326 IAC 2-9-8, PROPOSED TO BE AMENDED AT 26 IR 2010, SECTION 14, IS READOPTED TO READ

AS FOLLOWS:

326 IAC 2-9-8 Crushed stone processing plants

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following definitions apply throughout this section:

- (1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.
- (2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.
- (3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:
 - (A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or
 - (B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

- (4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.

(2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:

(A) The annual throughput shall not exceed three million (3,000,000) tons per year.

(B) Each source under this subdivision shall pay an annual fee of eight hundred dollars (\$800).

(4) Crushed stone processing plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. 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 at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). 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:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants*, if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

SECTION 24. 326 IAC 2-9-9, PROPOSED TO BE AMENDED AT 26 IR 2012, SECTION 15, IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-9 Ready-mix concrete batch plants

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) The following definitions apply throughout this section:

(1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.

(2) "Aggregate 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 process.

(3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.

(4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.

(5) "Ready-mix concrete batch plant" means a facility that prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year, including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.

(2) Each source shall maintain records of annual production at the site on a calendar year basis.

(3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and

aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. 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 at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). 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:

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

(ii) The second shall be taken five (5) seconds after the first.

(iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.

(6) Cement transferring operations shall always be enclosed.

(7) Each source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(9) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

SECTION 25. 326 IAC 2-9-10, PROPOSED TO BE AMENDED AT 26 IR 2013, SECTION 16, IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-10 Coal mines and coal preparation plants

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

Affected: IC 13-15; IC 13-17

Sec. 10. (a) The following definitions apply throughout this section:

(1) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-88*.

(2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.

(3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:

(A) Breaking.

(B) Crushing.

(C) Screening.

- (D) Wet or dry cleaning.
- (E) Thermal drying.
- (4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:
 - (A) Breakers.
 - (B) Crushers.
 - (C) Screens.
 - (D) Conveyor belts.
- (5) "Collocated source" means any coal preparation facility and coal mine that are:
 - (A) located on one (1) piece of property or on contiguous or adjacent properties; and
 - (B) which are owned or operated by the same person (or by persons under common control).
- (6) "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.
- (7) "Refuse" means the portion of mined coal which is rejected by the preparation plant as unsalable.
- (8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.

(b) Any coal preparation plant, coal mine, or collocated source may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns (PM₁₀) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:

(A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.

(B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9**.

(2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9**, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). 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:

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

(ii) The second will be taken five (5) seconds after the first.

(iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall

be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(3) All visible emission readings shall be performed by a qualified observer as defined in 326 IAC 1-2-62.

(4) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(5) The annual notice required by section 1(d) of this rule shall also include the legal description of the source's location.

(6) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars (\$500) and an annual fee of six hundred dollars (\$600).

*This document is incorporated by reference. Copies 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.

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SECTION 26. 326 IAC 2-9-11 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-11 Automobile refinishing operations

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

Affected: IC 13-15; IC 13-17

Sec. 11. (a) The following definitions apply throughout this section:

(1) "Automobile refinishing" is defined at 326 IAC 8-10-2(5).

(2) "Solvent containing material" means any product used in automobile refinishing operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

(A) Pretreatment wash primers.

(B) Precoats.

(C) Primers.

(D) Primer surfacers.

(E) Primer sealers.

(F) Topcoats.

(G) Specialty coatings.

(H) Surface preparation products.

(I) Gun cleaning solutions.

(J) Paint removers.

(K) Degreasing solvents.

(L) Hardeners.

(M) Catalysts.

(N) Reducers.

(O) Other additives.

(b) An owner or operator of an automobile refinishing shop may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) The requirements of 326 IAC 8-10, if applicable.

(2) One (1) of the following:

(A) The total amount of all solvent containing material delivered to the automobile refinishing shop, less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed two thousand (2,000) gallons annually.

(B) The total amount of all solvent containing material delivered to the automobile refinishing shop that meets the VOC limits of 326 IAC 8-10-4(b), less the amount of solvent containing material quantified by manifest as having been shipped off-site,

shall not exceed three thousand (3,000) gallons annually.

(C) The total amount of VOC delivered to the automobile refinishing shop, less the amount of VOC that is quantified by manifest as having been shipped off-site, shall not exceed one (1) ton per month.

(3) For automobile refinishing shops electing to comply with subdivision (2)(A) or (2)(B), usage shall be determined based on either:

(A) actual use records; or

(B) purchase records.

(4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(5) Request a source specific operating agreement under this section of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).

(c) An owner or operator of an automobile refinishing shop that has been issued an operating agreement under this section shall keep the following records at the source:

(1) For automobile refinishing shops complying with subsection (b)(2)(A), the following records shall be kept:

(A) Purchase or use records of solvent containing materials.

(B) An annual summation on a calendar year basis of purchase or use records for all solvent containing materials.

(C) Amount of waste solvent containing material manifested off-site.

(2) For automobile refinishing shops complying with subsection (b)(2)(B), the records required under subdivision (1) and the records required under 326 IAC 8-10-9(a) shall be kept.

(3) For automobile refinishing shops complying with subsection (b)(2)(C), the following records shall be kept:

(A) Purchase orders and invoices for each solvent containing material.

(B) Number of gallons of each solvent containing material used.

(C) VOC content (pounds/gallon) of each solvent containing material used.

(D) Amount of waste VOC manifested off-site.

(E) Summation on a monthly basis of emissions of VOC.

(Air Pollution Control Board; 326 IAC 2-9-11; filed May 7, 1997, 4:00 p.m.; 20 IR 2312)

SECTION 27. 326 IAC 2-9-12 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-12 Degreasing operations

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

Affected: IC 13-15; IC 13-17

Sec. 12. (a) An owner or operator of a degreasing operation may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Request a source specific operating agreement under this section of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).

(2) The requirements of 326 IAC 8-3 and 326 IAC 20-6, if applicable.

(3) The total amount of VOC and HAP delivered to degreasing operations at the source, less the amount of VOC and HAP that is quantified by manifest as having been shipped off-site, on an annual rolling average basis as follows:

(A) The total amount of any single HAP from degreasing operations shall not exceed eight hundred thirty-three (833) pounds per month.

(B) The total amount of any combination of HAP from degreasing operations shall not exceed one (1) ton per month.

(C) The total amount of VOC from degreasing operations at sources located in Lake and Porter Counties shall not exceed one (1) ton per month.

(D) The total amount of VOC from degreasing operations at sources located outside of Lake and Porter Counties shall not exceed two (2) tons per month.

(b) An owner or operator of a degreasing operation that has been issued an operating agreement under this section shall keep the following records at the source:

(1) Purchase records for all degreasing solvents.

- (2) Material safety data sheets (MSDS) for all degreasing solvents.
 - (3) Amount of waste degreasing solvent manifested off-site.
 - (4) Monthly summation of VOC and HAP emissions for all degreasing solvents.
- (Air Pollution Control Board; 326 IAC 2-9-12; filed May 7, 1997, 4:00 p.m.: 20 IR 2313)*

SECTION 28. 326 IAC 2-9-13, PROPOSED TO BE AMENDED AT 26 IR 2014, SECTION 17, IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-13 External combustion sources

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

Affected: IC 13-15; IC 13-17

Sec. 13. (a) The following definitions apply throughout this section:

- (1) “Boiler” means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.
- (2) “Dryer” means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.
- (3) “Oven” means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.
- (4) “Process heater” means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.
- (5) “Space heater” means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.
- (6) “Water heater” means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

- (1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.
- (2) One (1) of the following:
 - (A) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.
 - (B) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,000.0 MMCF

Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
Dual Fuel ¹	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	83.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	59.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	15.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,291.0 kgals
Fuel oil #5 and #6 (residual)	15.0 kgals
Coal (bituminous and subbituminous)	786.0 tons
Bark, wood, or wood and bark	490.0 tons
Bark, wood, or wood and bark	5,858.0 tons
Coal (bituminous and subbituminous)	65.0 tons
(¹ Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)	
Unit abbreviations:	
kgals = 10 ³ gallons	
MMCF = 10 ⁶ cubic feet	

(g) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	

Natural gas	1,142.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
Dual Fuel ¹	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	133.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	95.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	24.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,065.0 kgals
Fuel oil #5 and #6 (residual)	24.0 kgals
Coal (bituminous and subbituminous)	1,258.0 tons
Bark, wood, or wood and bark	784.0 tons
Bark, wood, or wood and bark	9,373.0 tons
Coal (bituminous and subbituminous)	104.0 tons
('Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)	
Unit abbreviations:	
kgals = 10 ³ gallons	
MMCF = 10 ⁶ cubic feet	

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North 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. (*Air Pollution Control Board; 326 IAC 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

SECTION 29. 326 IAC 2-9-14 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-9-14 Internal combustion sources

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) Any stationary internal combustion source, including any combination of turbines, reciprocating engines, or engines, may elect to comply with this section by complying with section 1 of this rule and one (1) of the following:

- (1) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (e), Table 1 for a single fuel or a combination of two (2) fuels.
- (2) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 2 for a single fuel or a combination of two (2) fuels.

(b) Sources electing to comply with subsection (a)(1) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(c) Sources electing to comply with subsection (a)(2) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(d) For sources complying with subsection (a)(2), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(e) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	227.27 MMCF/yr
Distillate	1,414.42 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	294.11 MMCF/yr
2-cycle lean burn	37.03 MMCF/yr
4-cycle lean burn	31.25 MMCF/yr
4-cycle rich burn	43.47 MMCF/yr
Diesel, reciprocating	
<600 HP	165.51 kgal/yr
Gasoline, reciprocating	
<250 HP	12.26 kgal/yr
Diesel, large stationary	235.45 kgal/yr
Unit abbreviations:	
kgal = 10 ³ gallons	
MMCF = 10 ⁶ cubic feet	

(f) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	363.63 MMCF/yr
Distillate	2,263.07 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	470.58 MMCF/yr
2-cycle lean burn	59.25 MMCF/yr
4-cycle lean burn	50.00 MMCF/yr
4-cycle rich burn	69.56 MMCF/yr

Diesel, reciprocating <600 HP	264.82 kgal/yr
Gasoline, reciprocating <250 HP	19.62 kgal/yr
Diesel, large stationary	376.72 kgal/yr

Unit abbreviations:

kgal = 10³ gallons

MMCF = 10⁶ cubic feet

(Air Pollution Control Board; 326 IAC 2-9-14; filed May 7, 1997, 4:00 p.m.: 20 IR 2315)

Notice of First Meeting/Hearing

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2 and IC 13-14-9, notice is hereby given that on **May 5, 2004** at 1:00 p.m. in the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on the readoption of 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5, 326 IAC 2-6.1, and 326 IAC 2-9.*

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules and readoption. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

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

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855. (TDD): (317) 233-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Tenth Floor East, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.