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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-332(F)

DIGEST

Readopts 326 IAC 2-10-1 concerning limiting potential to emit. Adds 326 IAC 2-10-2.1, 326 IAC 2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1 to allow small sources to operate under a permit by rule. Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, Second Notice of Comment Period, and Notice of First Public Hearing: January 1, 2004, Indiana Register (27 IR 1309).

Date of First Hearing: March 3, 2004.

Proposed Rule and Notice of Second Public Hearing: April 1, 2004, Indiana Register (27 IR 2324).

Date of Second Hearing: May 5, 2004.

326 IAC 2-10-1	326 IAC 2-10-4.1
326 IAC 2-10-2.1	326 IAC 2-10-5.1
326 IAC 2-10-3.1	326 IAC 2-10-6.1

SECTION 1. 326 IAC 2-10-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-1 Limiting potential to emit

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. 1. (a) A source that would otherwise be required to have a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement as described in 326 IAC 2-9 may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 unless otherwise required by federal law.

(b) A source complying with this rule may at any time apply for a state operating permit under 326 IAC 2-6.1, Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable. (*Air Pollution Control Board; 326 IAC 2-10-1; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; readopted filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954*)

SECTION 2. 326 IAC 2-10-2.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-10-2.1 Definitions

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. 2.1. The definitions in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 apply throughout this rule. (*Air Pollution Control Board; 326 IAC 2-10-2.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954*)

SECTION 3. 326 IAC 2-10-3.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-10-3.1 Conditions

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. 3.1. The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for a major source of the following:

(A) Regulated air pollutants.

(B) Hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

(Air Pollution Control Board; 326 IAC 2-10-3.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954)

SECTION 4. 326 IAC 2-10-4.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-10-4.1 Demonstration of compliance

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. 4.1. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in section 3.1 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage or production records. No other demonstration of compliance shall be required. *(Air Pollution Control Board; 326 IAC 2-10-4.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)*

SECTION 5. 326 IAC 2-10-5.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-10-5.1 Compliance with other provisions

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. 5.1. (a) 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 in section 1 of this rule.

(b) A source subject to this rule shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in section 3.1 of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in section 3.1 of this rule as required under section 4.1 of this rule.

(Air Pollution Control Board; 326 IAC 2-10-5.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)

SECTION 6. 326 IAC 2-10-6.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-10-6.1 Enforcement

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; IC 13-30

Sec. 6.1. Any violation of this rule may result in administrative or judicial enforcement proceedings under IC 13-30-3 and penalties under IC 13-30-4, IC 13-30-5, or IC 13-30-6. *(Air Pollution Control Board; 326 IAC 2-10-6.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)*

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Hearing Held: May 5, 2004

Approved by Attorney General: July 13, 2004

Approved by Governor: July 29, 2004

Filed with Secretary of State: August 2, 2004, 3:10 p.m.

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by
Publisher*