

Document: Final Rule, **Register Page Number:** 27 IR 3955
Source: September 1, 2004, Indiana Register, Volume 27, Number 12
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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-333(F)

DIGEST

Amends 326 IAC 2-11-2 and readopts 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 to allow gasoline dispensing operations, grain elevators, and sources that process mill or grain to operate under a permit by rule. *NOTE: IC 4-22-2.5-5 authorizes the governor to postpone, by executive order, 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 the rules in this document until January 1, 2005. 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 Hearing: January 1, 2004, Indiana Register (27 IR 1311).

Date of First Hearing: March 3, 2004.

Proposed Rule and Notice of Second Public Hearing: April 1, 2004, Indiana Register (27 IR 2326).

Date of Second Hearing: May 5, 2004.

326 IAC 2-11-1	326 IAC 2-11-3
326 IAC 2-11-2	326 IAC 2-11-4

SECTION 1. 326 IAC 2-11-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-11-1 General provisions

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

Affected: IC 13-11-2; IC 13-15; IC 13-17; IC 13-30-3

Sec. 1. (a) This section contains general provisions applicable to all other sections in this rule.

(b) Definitions provided in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this rule.

(c) A source may limit its allowable emissions or potential to emit by complying with the conditions of the applicable section of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1 unless otherwise required by law. A source complying with this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the rule limits the source's allowable emissions or potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7.

(d) 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, 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable.

(e) Before a source subject to this rule modifies its facility or operations in such a way that it will no longer comply with this rule, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, or 326 IAC 2-8.

(f) Not later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, the owner or operator of a source subject to this rule shall demonstrate that the source is in compliance with limits in the applicable section of this rule by providing throughput records for the previous twelve (12) months.

(g) A source electing to comply with this rule shall comply with the following:

(1) The source shall operate and properly maintain air pollution control devices at the source.

(2) The source shall follow generally accepted industry work practices to minimize emissions of regulated air pollutants.

(3) The source shall not discharge air pollutants so as to create a public nuisance.

(h) This section does not affect a requirement to comply with the provisions of any other applicable federal, state, or local requirement, except as specifically provided in this title.

(i) A source subject to this rule may 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 an applicable section of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of this rule.

(j) Any violation of this rule may result in administrative or judicial enforcement proceedings and penalties under IC 13-30-3. (*Air Pollution Control Board; 326 IAC 2-11-1; filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3955*)

SECTION 2. 326 IAC 2-11-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-11-2 Gasoline dispensing operations

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) This section applies to retail or commercial gasoline dispensing operations that: ~~meet each of the following conditions:~~

(1) meet the conditions specified in subsection (b); **and**

(2) demonstrate compliance as specified in subsection (c).

(b) To limit potential to emit as provided in section 1(c) of this rule, the following conditions are applicable to sources depending on their location:

(1) For sources located in Clark or Floyd County, the source:

(A) fills its storage tanks by vapor-balanced fill;

(B) has a Stage II vapor recovery system; and

(C) dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.

(2) For sources located in Lake or Porter County, the source:

(A) fills its storage tanks by vapor-balanced fill;

(B) has a Stage II vapor recovery system; and

(C) dispenses less than one million three hundred forty-four thousand (1,344,000) gallons of gasoline during an average month based on the last twelve (12) months.

(3) For all other sources, the source **uses:**

(A) ~~uses~~ the splash method for filling storage tanks and dispenses less than six hundred eighty-eight thousand (688,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months;~~

(B) ~~uses~~ the submerged fill method for filling storage tanks and dispenses less than eight hundred thirty-three thousand (833,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months;~~

(C) ~~uses~~ the vapor-balanced fill method for filling storage tanks and dispenses less than one million two hundred eighty-two thousand (1,282,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months;~~
or

(D) ~~uses~~ the fill vapor-balanced fill method for filling storage tanks, has a Stage II vapor recovery system, and dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline; during an average month based on the last twelve (12) months.

(c) Sources electing to comply with this rule must be able to demonstrate compliance no later than thirty (30) days

after receipt of a written request by the department or the U.S. EPA, as follows:

- (1) The owner or operator of a gasoline dispensing source shall demonstrate compliance with subsection (b)(3)(A), (b)(3)(B), or (b)(3)(C), as applicable.
- (2) The owner or operator of a gasoline dispensing source subject to subsection (b)(3)(D) shall demonstrate compliance with subsection (b)(3)(D) and ~~326 IAC 8-4-6 subsections (a) through (d), (f), and (j) through (m)~~ **326 IAC 8-4-6(a) through 326 IAC 8-4-6(d), 326 IAC 8-4-6(f), and 326 IAC 8-4-6(j) through 326 IAC 8-4-6(m)**.
- (3) The owner or operator of a gasoline dispensing source subject to subsection (b)(1) or (b)(2) shall demonstrate compliance with subsection (b)(1) or (b)(2), as applicable, and 326 IAC 8-4-6.

(Air Pollution Control Board; 326 IAC 2-11-2; filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Aug 2, 2004, 3:25 p.m.: 27 IR 3956)

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

326 IAC 2-11-3 Grain elevators

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) This section applies to a grain elevator that receives and ships grain as follows:

- (1) Grain receiving by truck or rail and grain shipping by truck or rail.
- (2) Grain receiving by truck or rail and grain shipping by barge.
- (3) Grain receiving by truck or rail and grain shipping by ship.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, annual total throughput limits shall be equal to or less than the following:

- (1) For truck or rail grain receiving and truck or rail grain shipping, eleven million two hundred thousand (11,200,000) bushels.
- (2) For truck or rail grain receiving and barge grain shipping, eight million (8,000,000) bushels.
- (3) For truck or rail grain receiving and ship grain shipping, five million six hundred eighty thousand (5,680,000) bushels.

(Air Pollution Control Board; 326 IAC 2-11-3; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2107; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3957)

SECTION 4. 326 IAC 2-11-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-11-4 Grain processing or milling

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) This section applies to sources that process or mill grain, including the following:

- (1) Flour mills.
- (2) Dry corn mills.
- (3) Animal feed mills.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, the annual total throughput limits shall be equal to or less than the following:

- (1) For flour mills, one hundred fifty-four thousand five hundred twenty-six (154,526) bushels.
- (2) For dry corn mills, one million sixty-three thousand two hundred fifty (1,063,250) bushels.
- (3) For animal feed mills, eleven million two hundred thousand (11,200,000) bushels.

(Air Pollution Control Board; 326 IAC 2-11-4; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2108; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3957)

LSA Document #03-333(F)

Proposed Rule Published: April 1, 2004; 27 IR 2326

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, 3:25 p.m.

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