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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#04-279(APCB)

DEVELOPMENT OF AMENDMENTS CONCERNING SOURCE UPDATE INFORMATION PURSUANT TO 326 IAC 6.5 AND 326 IAC 6.8

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to proposed articles 326 IAC 6.5 and 326 IAC 6.8 concerning particulate matter emission limitations. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 6.5; 326 IAC 6.8.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The purpose of this rulemaking is to update the source specific information found within proposed rules 326 IAC 6.5 and 326 IAC 6.8. In a separate rulemaking, IDEM is proposing to repeal 326 IAC 6-1 and replace it with two new articles, 326 IAC 6.5 and 326 IAC 6.8, in order to streamline future rule amendment processes (LSA #02-335). This companion rulemaking, which will be completed after the recodification, is intended to update the sources' specific information by creating a separate section for each source. Therefore, the updated rule will comply with each source's permit, thereby providing consistency between the applicable rule and a source's permit.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Updating 326 IAC 6.5 and 326 IAC 6.8 to correct outdated or incorrect information.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Leaving 326 IAC 6.5 and 326 IAC 6.8 as currently proposed.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

There is no federal law applicable to the proposed changes; however, 326 IAC 6-1 is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana's State Implementation Plan (SIP). Indiana will send the new rules 326 IAC 6.5 and 326 IAC 6.8 to U.S. EPA to be approved as part of Indiana's SIP so federal law coincides with state law. After U.S. EPA approves the recodification, IDEM will send these updates for approval into the SIP.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. There is no potential fiscal impact associated with this alternative.

Potential Fiscal Impact of Alternative 2. There is no potential fiscal impact associated with this alternative.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Sky Schelle, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6021 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

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

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

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

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

Mailed comments should be addressed to:

#04-279(APCB)326 IAC 6.5 and 6.8 Source Update
Sky Schelle
c/o Rules Section Administrative Assistant
Rules Section
Office of Air Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

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

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

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by December 2, 2004.

Additional information regarding this action may be obtained from Sky Schelle, Rules Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Janet G. McCabe
Assistant Commissioner
Office of Air Quality