

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

*NOTE: Under P.L.1-1996, SECTION 99, IC 13-1, IC 13-3, IC 13-5, IC 13-6, IC 13-7, IC 13-9, IC 13-9.5, and IC 13-10 were repealed. The repeal of these cites affects statutory authority and statutes affected lines of all sections not amended in the 2004 Edition of the Indiana Administrative Code.*

### **ARTICLE 1. GENERAL PROVISIONS**

#### **Rule 1. Provisions Applicable Throughout Title 326**

##### **326 IAC 1-1-2 References to federal Act**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 4-22-9-5; IC 13-1-1; IC 13-7-7

Sec. 2. Unless otherwise indicated, references in these rules *[this title]* to the federal Clean Air Act, the Clean Air Act, or the CAA, shall mean the federal Clean Air Act, 42 U.S.C. 7401 et seq. as amended (including the Clean Air Act Amendments of 1990, P.L.101-549). (*Air Pollution Control Board; 326 IAC 1-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2368; filed May 25, 1994, 11:00 a.m.: 17 IR 2237*)

##### **326 IAC 1-1-3 References to the Code of Federal Regulations**

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

Affected: IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2008, edition\*.

\*This body of documents 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 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA; filed Apr 1, 2008, 9:59 a.m.: 20080430-IR-326070373FRA; filed Jul 1, 2009, 3:12 p.m.: 20090729-IR-326080901FRA*)

##### **1-1-4: Severability**

If any section, paragraph, sentence, clause, phrase, or word of this regulation or any other part hereof is declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby and shall remain in full force and effect.

1-1-5: Savings clause

The repeal of Regulation APC 19, promulgated April 16, 1973, shall not have the effect to release or extinguish any penalty or forfeiture incurred under the same, and such regulation shall be treated as still remaining in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture or liability.

**326 IAC 1-1-6 Credible evidence**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-11; IC 13-17

Sec. 6. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any emission limitation, standard, or rule in this title, nothing in this title shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with the emission limitation, standard, or rule, if the appropriate performance or compliance test or procedure had been performed. (*Air Pollution Control Board; 326 IAC 1-1-6; filed Feb 14, 2005, 10:45 a.m.: 28 IR 2046*)

**Rule 2. Definitions**

**1-2-1: Applicability**

Definitions used in Title 325 of the Indiana Administrative Code (Air Pollution Control Regulations) [now codified at Title 326] are set forth in this Rule. Any definitions set forth in other air pollution control rules shall be governing for that rule if there is a conflict.

**326 IAC 1-2-2 "Allowable emissions" defined**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1; IC 13-7

Sec. 2. "Allowable emissions" means the lowest emission rate calculated using all of the following:

- (1) The maximum capacity of the facility at eight thousand seven hundred sixty (8,760) hours per year.
- (2) The most stringent applicable federally enforceable state rule.
- (3) Limits on the operation specified by a federally enforceable permit.
- (4) An emission rate specified as a federally enforceable permit condition.
- (5) Potential emissions.

(6) For noncontinuous batch manufacturing operations, when the process, not considering operating hours, results in daily emissions less than those calculated on an hourly basis, daily emission rates shall be used instead of hourly rates.

*(Air Pollution Control Board; 326 IAC 1-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed May 25, 1994, 11:00 a.m.: 17 IR 2237)*

### 1-2-3: Air Pollution Control Equipment

Control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it.

**326 IAC 1-2-4 "Applicable state and federal regulations" defined**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 4. "Applicable state and federal regulations" includes rules adopted by the air pollution control board under this title, regulations adopted by the U.S. EPA under the Code of Federal Regulations pursuant to the Clean Air Act, and direct requirements established by the Clean Air Act.

\*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed May 25, 1994, 11:00 a.m.: 17 IR 2237*)

**1-2-5: "Attainment area" defined**

A geographical area designated by the board as meeting the ambient air quality standards established for a specific pollutant in 325 IAC 1.1-2 (formerly known as APC 14) [now codified at 326 IAC 1-3].

1-2-6: "Best available control technology (BACT)" defined

An emission limitation (including a visible emission standard) or equipment standard based on the maximum degree of reduction of each pollutant subject to regulation under the Clean Air Act and applicable Indiana laws or rules which would be emitted from or which results from any proposed major facility or modification thereto which the Board, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which will exceed the emissions allowed by any applicable standard.

1-2-7: "Bulk gasoline plant" defined

A gasoline storage and distribution facility which receives gasoline from bulk terminals by transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.

1-2-8: "Bulk gasoline terminal" defined

A gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, barge or rail, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by transport.

1-2-9: "Catalytic cracking unit" defined

A unit composed of a reactor, regenerator, and fractionating tower which is used to convert certain petroleum fractions into more valuable products by passing the material at elevated temperature, through a bed of catalyst in the reactor. Coke deposits produced on the catalyst during cracking are removed.

1-2-10: "Charging" defined

The introduction of coal into a coke oven. The charging period begins with the first introduction of coal into the coke oven and ends with the replacement of the last charge port lid.

1-2-11: "Charge port" defined

An opening in the roof of a coke oven through which coal is introduced.

**326 IAC 1-2-12 "Clean Air Act" defined**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 12. "Clean Air Act," or the "CAA", unless otherwise indicated, means the federal Clean Air Act, found at 42 U.S.C. 7401 et seq., as amended (including the Clean Air Act Amendments of 1990, P.L.101-549), as indicated in 326 IAC 1-1-2. (*Air Pollution Control Board; 326 IAC 1-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2370; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**1-2-13: "Coal processing" defined**

The breaking, crushing, and screening of coal in preparation for charging to any combustion facility.

**326 IAC 1-2-14 "Coating line" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 14. "Coating line" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, one (1) or more of the following:

- (1) Spray booths.
- (2) Flow coaters.
- (3) Flash-off areas.
- (4) Air dryers.
- (5) Ovens.

(*Air Pollution Control Board; 326 IAC 1-2-14; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2370; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed May 6, 1991, 4:45 p.m.: 14 IR 1712*)

**1-2-16: "Coke oven battery" defined**

Any series of jointly operated slot-type coke ovens, the operation of which results in the destructive distillation of coal for conversion to coke.

**1-2-17: Coke Oven Topside**

The top of any coke oven, including, but not limited to, the charge port, charge port lids and off-take piping associated with an oven.

**1-2-18: Coke-Side**

That side of a coke oven from which the coke is removed for quenching.

**326 IAC 1-2-18.5 "Cold cleaner degreaser" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 18.5. "Cold cleaner degreaser" means a tank containing organic solvent at a temperature below the boiling point of the solvent which is used to spray, brush, flush, or immerse an article for the purpose of cleaning or degreasing the article. (*Air Pollution Control Board; 326 IAC 1-2-18.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**1-2-19: "Combustion for indirect heating" defined**

The combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to the products of combustion.

**1-2-20: Commence Construction**

Construction or modification of a facility shall be deemed as having begun when the owner or operator either has:

- (a) Begun, or caused to begin, a continuous program of physical on-site construction of the facility, or
- (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility.

**1-2-21: Construction**

Fabrication, erection, or installation of an emission source, air pollution control equipment, or a facility.



**326 IAC 1-2-21.5 "Conveyorized degreaser" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 21.5. "Conveyorized degreaser" means any continuous system that, for the purpose of cleaning or degreasing articles, transports the articles through or over an organic solvent bath which is heated to its boiling point, or transports the articles through an organic solvent bath at a temperature below the boiling point of the solvent. (*Air Pollution Control Board; 326 IAC 1-2-21.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**1-2-22: Cutback asphalt**

Asphalt cement liquified by blending with volatile organic compounds, and which is used for the purpose of paving and/or repairing a road surface.

**326 IAC 1-2-22.5 "Department" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 22.5. "Department" means the Indiana department of environmental management. (*Air Pollution Control Board; 326 IAC 1-2-22.5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1223*)

1-2-23: Electric arc furnaces

An electric arc furnace is defined as any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of the finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

1-2-24: EPA

The United States Environmental Protection Agency.

1-2-25: Excess air

That air supplied in addition to the theoretical quantity necessary for complete combustion for all fuel and/or combustible waste material present.

1-2-26: Existing facility

Any facility which has commenced construction or is in operation at the time of promulgation of the applicable regulation.

1-2-27: Facility

Any one (1) structure, piece of equipment, installation or operation which emits or has the potential to emit any air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for the purpose of this rule (325 IAC 1.1-1 [recodified to 326 IAC 1-2]).

1-2-28: Farming operation

That business concerned with the planting, harvesting, and/or marketing of crops and the raising of animals. This does not include nurseries, tree farms, or sod production.

**326 IAC 1-2-28.5 "Federally enforceable" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 28.5. "Federally enforceable" means all limitations and conditions which are enforceable by the U.S. EPA administrator, including those requirements developed for the following:

- (1) Standards of performance for new stationary sources contained in 40 CFR 60\*.
- (2) National emission standards for hazardous air pollutants contained in 40 CFR 61\*.
- (3) Requirements within any applicable state implementation plan.
- (4) Any permit requirements contained in 40 CFR 52.21\* or under regulations approved under the review of new sources and modifications established in 40 CFR 51, Subpart I\*. This includes operating permits issued under a U.S. EPA approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program.

\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-28.5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1223*)

#### 1-2-29: Flare

An elevated combustion device that burns waste gases.

#### **326 IAC 1-2-29.5 "Freeboard height" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 29.5. "Freeboard height" means the distance, in a cold cleaner degreaser or open top vapor degreaser, between the solvent bath or solvent vapor, if present, and the top edge of the degreaser opening. (*Air Pollution Control Board; 326 IAC 1-2-29.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

#### **326 IAC 1-2-29.6 "Freeboard ratio" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 29.6. "Freeboard ratio" means the ratio of the freeboard height to the width of the degreaser opening in a cold cleaner degreaser or open top vapor degreaser. (*Air Pollution Control Board; 326 IAC 1-2-29.6; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

#### 1-2-30: Fugitive dust

Particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported or redistributed. Note that a different definition for fugitive dust is established in 325 IAC 6-4 (formerly Regulation APC 20 [now 326 IAC 6-4]) for use therein.

#### 1-2-31: Gas collector main

The pipe or duct through which the gaseous by-products of coking are transported from the offtake piping of coke ovens to the by-product plant.

#### 1-2-32: Gasoline

A petroleum distillate having a Reid vapor pressure of 27.6 kilo Pascals (4 psi) or greater.

**326 IAC 1-2-32.1 "Gooseneck cap" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 32.1. "Gooseneck cap" means a device which is located between the damper valve and the coke oven on the standpipe. When open, it vents the coke oven to the atmosphere. (*Air Pollution Control Board; 326 IAC 1-2-32.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**1-2-33: Governmental unit**

Any agency which has air pollution control, law-making and enforcement jurisdiction, excluding the federal government, which represents any city, county or other local government unit.

**326 IAC 1-2-33.1 "Grain elevator" defined**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 33.1. "Grain elevator" means an installation at which grains are weighed, cleaned, dried, loaded, unloaded, and placed in storage. The term does not include any portion of the installation at which activities other than those described in this section are conducted. (*Air Pollution Control Board; 326 IAC 1-2-33.1; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**326 IAC 1-2-33.2 "Grain terminal elevator" defined**

Authority: IC 13-1-1-4; IC 13-7-7-1

Affected: IC 13-1-1; IC 13-7

Sec. 33.2. "Grain terminal elevator" means any grain elevator which has greater than the following capacity:

(1) Two million five hundred thousand (2,500,000) U.S. bushels certified storage.

(2) Ten million (10,000,000) bushels annual grain throughput.

(*Air Pollution Control Board; 326 IAC 1-2-33.2; filed May 25, 1994, 11:00 a.m.: 17 IR 2238*)

**1-2-34: Incinerator**

An engineered apparatus that burns waste substances with controls on combustion factors including, but not limited to, temperature, retention time, and air.

**326 IAC 1-2-34.1 "Jumper pipe" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 34.1. "Jumper pipe" means a section of U-shaped pipe which is positioned on the top of an oven opposite to the side having the collector main. The pipe is used during the charging operation to vent the visible emissions, particulate matter, and gases generated from the oven being charged to an adjacent oven. (*Air Pollution Control Board; 326 IAC 1-2-34.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

**1-2-35: Larry car**

A vehicle which transfers and introduces coal into a coke oven.

**1-2-36: Lowest achievable emission rate**

For any facility, that rate of emissions which reflects the more stringent of the following:

- (1) the most stringent emissions limitation and/or the limitation resulting from equipment standards which are contained in the state implementation plan for such class or category of facility unless the owner or operator of the proposed facility demonstrates to the Board that such limitations are not achievable or;
- (2) the most stringent emissions limitation resulting from equipment standards or which has been achieved in practice by such class or category of facility.

**1-2-37: Luting material**

A mud/slurry mixture used to obtain a seal and to minimize emissions from the charge port lids and standpipe caps.

**1-2-38: Major facility**

Any facility which has the potential to emit one hundred (100) tons or more per year of any one (1) regulated pollutant.

**1-2-39: Malfunction**

Any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner.

**1-2-40: Material**

Includes all biodegradable and non-biodegradable substances including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood and wood products.

1-2-41: Military specifications

Any specifications relating to or controlling the volatile organic compound make-up of paints used for covering military goods and which have been established as a requirement by any branch of the United States Armed Services.

1-2-42: Modification

An addition to an existing facility or any physical change or change in the method of operation of any facility which increases the potential or legally allowed emissions (whichever is more stringent) of any pollutant that could be emitted from the facility or which results in emissions of any pollutant not previously emitted, except that the exceptions set forth in Section 1 in 325 IAC 2-1 (formerly Regulation APC 19) also shall not be considered a modification unless previously limited by enforceable permit conditions.

1-2-43: Natural growth

Trees, brush, or other vegetation in its natural state either dead or alive.

1-2-44: Necessary preconstruction approvals for permits

Those permits or approvals required by the permitting authority under the Indiana state implementation plan as a precondition to undertaking construction.

1-2-45: New facility

Any facility which commences construction after the promulgation date of the applicable section of this title.

1-2-46: Nonattainment areas

A geographical area designated by the board as not meeting the ambient air quality standards established for a specific pollutant in 325 IAC 1.1-2 (formerly known as APC 14 [now 326 IAC 1-3]).

1-2-47: "Noncombustible container" defined

A container that can withstand a temperature of 1500 F.

**326 IAC 1-2-48 "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" defined**

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

Affected: IC 13-17-3-14

Sec. 48. (a) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) as follows:

(1) 40 CFR 51.100(s)(1)\*.

(2) 40 CFR 51.100(s)(5)\*.

(3) 40 CFR 51.100(s)(2)\*, as measured by 326 IAC 8-1-4 and approved by the commissioner, subject to conditions under 40 CFR 51.100(s)(3) through 40 CFR 51.100(s)(4)\*.

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

\*These documents are incorporated by reference. Copies referenced in this section 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 1-2-48; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Oct 20, 2005, 1:30 p.m.: 29 IR 796; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA*)

**1-2-49: Offtake piping**

Piping extending from the connection on the top of a coke oven to and including the connection on the gas collector main. Offtake piping includes the standpipe and gooseneck.

**326 IAC 1-2-49.5 "Open top vapor degreaser" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 49.5. "Open top vapor degreaser" means a tank containing organic solvent which is heated to its boiling point for the purpose of cleaning or degreasing articles by passing the articles through or over the solvent bath. (*Air Pollution Control Board; 326 IAC 1-2-49.5; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676*)

**1-2-50: Oven door**

The vertical face of a coke oven between the bench and the top of the battery and between two adjacent back-stays.

**1-2-51: "Owner or operator" defined**

Any person who owns, leases, controls, operates or supervises a facility, an air pollutant emission source or air pollution control equipment.

**326 IAC 1-2-52 "Particulate matter" defined**

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

Affected: IC 13-15; IC 13-17

Sec. 52. "Particulate matter" means any airborne finely divided solid or liquid material, excluding uncombined water, with an aerodynamic diameter smaller than one hundred (100) micrometers ( $\mu\text{m}$ ). (*Air Pollution Control Board; 326 IAC 1-2-52; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2374; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471*)

**326 IAC 1-2-52.2 "PM<sub>2.5</sub>" defined**

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

Affected: IC 13-15; IC 13-17

Sec. 52.2. "PM<sub>2.5</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal two and five-tenths (2.5) micrometers ( $\mu\text{m}$ ). (*Air Pollution Control Board; 326 IAC 1-2-52.2; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471*)

**326 IAC 1-2-52.4 "PM<sub>10</sub>" defined**

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

Affected: IC 13-15; IC 13-17

Sec. 52.4. "PM<sub>10</sub>" means any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers ( $\mu\text{m}$ ) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner. (*Air Pollution Control Board; 326 IAC 1-2-52.4; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471*)



1-2-54: Positive net air quality benefit

The net result of offsetting new allowable emissions with reduced actual or allowable emissions such that the net sum of the projected changes in the ambient air quality in the affected area will be positive and that at no receptor will there be a significant increase in the pollutant levels due to the projected changes. However, in no event will credit for positive net air quality benefit be given for sources which merely achieve compliance with the applicable allowable emission limits by reducing actual emissions to said allowable limits.

1-2-55: Potential emissions

Emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollution control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum annual rated capacity unless hours of operation are limited by enforceable permit conditions. Potential emissions from a facility shall take into account the hours of operation per year and shall be calculated according to federal emission guidelines in AP 42-most recent edition-Compilation of Air Pollution Factors, or calculated based on stack test data or other equivalent data acceptable to the commissioner.

1-2-56: Pre-carbonization

The process by which coal is pulverized, preheated, and conveyed hot to the oven to be charged.

1-2-57: Primary chamber

The chamber in which waste material is ignited and burned.

1-2-58: Process

Any action, operation, or treatment and the equipment used in connection therewith, and all methods or forms of manufacturing or processing that may emit air contaminants.

1-2-59: (a) Process weight:

The total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight but liquid and gaseous fuels and combustion air will not.

(b) Process weight rate:

(1) For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(2) For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

When the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation for this definition, the interpretation that results in the minimum value for allowable emission shall apply.

1-2-60: Pushing

The operation by which coke is removed from the coke oven and transported to the quench area. The operation begins with the first visible movement of coke and ends when the quenching operation is commenced.

1-2-61: "Push-side" defined

That side of a coke oven in which a ram is inserted to push the coke out through the coke-side door.

1-2-62: "Qualified observer" defined

Any person who has successfully completed a state or U.S. EPA approved visible emission evaluation course and is currently certified as such.

**326 IAC 1-2-62.1 "Quench car" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 62.1. "Quench car" means movable car on rails that is self-propelled or propelled by a locomotive and designed to receive the charge of hot coke pushed from an oven of a coke battery. The quench car transports the coke to a quench tower for quenching and is designed to allow the water which does not evaporate to drain into a sump. (*Air Pollution Control Board; 326 IAC 1-2-62.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2363*)

1-2-63: Quenching

The operation by which the combustion of hot coke is stopped by the application of water or any other means achieving the same effect.

**326 IAC 1-2-63.1 "Quench reservoir" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 63.1. "Quench reservoir" means a tank, usually located near the top of a quench tower, that holds sufficient water to quench the hot coke carried by the quench car. (*Air Pollution Control Board; 326 IAC 1-2-63.1; filed May 12, 1993, 11:30 a.m.: 16*

IR 2363)

**326 IAC 1-2-63.2 "Quench tower" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 63.2. "Quench tower" means a chimney-like structure equipped with a water spray system and a sump to catch the excess water. The tower is designed to accommodate a quench car which is positioned under the tower prior to a quench. During the quenching of coke, the water flows from the quench reservoir into the nozzles by gravity and is dispersed onto the hot coke held by the quench car. (*Air Pollution Control Board; 326 IAC 1-2-63.2; filed May 12, 1993, 11:30 a.m.: 16 IR 2364*)

**1-2-64: Reasonable further progress**

The annual incremental reductions in emissions of a pollutant which are sufficient in the judgment of the commissioner to provide reasonable progress towards attainment of the applicable ambient air quality standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act.

**326 IAC 1-2-64.1 "Reasonably available control technology" or "RACT" defined**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1-2; IC 13-7-1

Sec. 64.1. "Reasonably available control technology" or "RACT" means control technology that is reasonably available and both technologically and economically feasible. (*Air Pollution Control Board; 326 IAC 1-2-64.1; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224*)

**1-2-65: Reconstruction**

A facility shall be considered to be reconstructed when the fixed capital cost of the new components exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new facility.

**1-2-66: Regulated pollutant**

Any pollutant for which a rule establishing emission limitations or requirements has been promulgated by the board.

**1-2-67: Reid vapor pressure**

The absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Reapproved 1977).

**1-2-68: Related facilities**

Any group of facilities within a source (other than major facilities, as defined in 326 IAC 1-2-38) which, in combination, have the potential to emit twenty-five (25) tons or more per year of any one (1) regulated pollutant and which in the judgment of the commissioner contribute so much together (rather than individually) to the facility's or source's emissions that a single operating permit (rather than individual permits for each facility) is warranted.

1-2-69: Respirable dust

Particles in the range of 0.5 microns to 6.0 microns in diameter.

1-2-70: "Secondary chamber" defined

The chamber in which combustible solids, vapors, and/or gases from the primary chamber either are collected or are ignited and burned.

1-2-71: "Shutdown condition" defined

The cessation of operation of emission control equipment for any purpose.

1-2-72: "Solvent" defined

Organic materials which are liquid at standard conditions and which are used as solvers, viscosity reducers, or cleaning agents.

1-2-73: "Source" defined

An aggregation of one (1) or more facilities which are located on one (1) piece of property or on contiguous or adjacent properties, and which are owned or operated by the same person (or by persons under common control).

1-2-74: "Stack" defined

A vertical duct originating within the facility, the area and other physical parameters of which are quantifiable (including the quantity of pollutants emitted) and the use of which results in any immediate, physical pollutant plume whose characteristics continuously are determined by the operation of the facility. Any stack as defined herein with a horizontal discharge, or an elevated flare shall be considered to be a stack for the purpose of this regulation and all applicable APC Regulations.

1-2-75: "Standard conditions" defined

A gas temperature of 70 F. and a gas pressure of 14.7 pounds per square inch absolute (psia).

1-2-76: "Startup condition" defined

The setting in operation of a facility or of emission control equipment for any purpose.

1-2-77: "Standpipe lid" defined

The lid covering the opening on the gooseneck which can be opened to provide access to remove constricting carbonaceous buildup in the piping. The standpipe lid is also used for purposes of decarbonizing the oven.

1-2-79: Stationary Incinerator

Incinerators installed and operated in one location and not intended to be moved for the lifetime of the apparatus.

1-2-80: "Tank wagon" defined

A straight four- or six-wheel truck with a tank mounted on the chassis typically with a capacity of approximately two thousand (2,000) gallons and used to dispense liquid petroleum products.

1-2-81: "Temporary emissions" defined

Those emissions resulting from operations not exceeding two (2) years in duration at one (1) location.

1-2-82: "Theoretical air" defined

The exact amount of air required to supply the required oxygen for complete combustion for a given quantity of a specific fuel or waste.

**326 IAC 1-2-82.5 "Total suspended particulate" or "TSP" defined**

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

Affected: IC 13-15; IC 13-17

Sec. 82.5. "Total suspended particulate" or "TSP" means any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50. (*Air Pollution Control Board; 326 IAC 1-2-82.5; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471*)

1-2-83: "Transfer efficiency" defined

The weight (or volume) of coating solids adhering to an object divided by the total weight (or volume) of coating solids used in application processes. Determination procedure will be in accordance with Board Policy.

1-2-84: "Transport" defined

A tractor semi-trailer capable of hauling a maximum load permissible by law of liquid petroleum products with various sized compartment and typically a total capacity of approximately 8,000 gallons.

1-2-85: "True vapor pressure" defined

The equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

1-2-86: "Unclassifiable (unclassified) areas" defined

A geographical area which cannot be classified as attainment or nonattainment on the basis of available information, but for the purpose of establishing emission limitations in the applicable rule, an area comparable to an attainment area.

1-2-87: "Underfire" defined

The term used to describe the combustion mechanism by which coke ovens are heated.

1-2-88: "Vapor balance system" defined

A combination of pipes and/or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

1-2-89: "Vapor control system" defined

A system that prevents release to the atmosphere more than 80 mg/l of organic compounds in the vapors displaced from a tank during the transfer of gasoline.

**326 IAC 1-2-90 "Volatile organic compound" or "VOC" defined**

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

Affected: IC 13-17-3-4

Sec. 90. "Volatile organic compound" or "VOC" has the meaning set forth in 40 CFR 51.100(s)\*. (*Air Pollution Control Board; 326 IAC 1-2-90; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2377; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed May 9, 1990, 5:00 p.m.: 13 IR 1847; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2828; filed Sep 5, 1995, 12:00 p.m.: 19 IR 30; filed Aug 26, 2004, 11:30 a.m.: 28 IR 18; filed Oct 20, 2005, 1:30 p.m.: 29 IR 796; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA*)

1-2-91: "Wood products" defined

Material derived from or consisting of wood or vegetation including, but not limited to, paper, cardboard, rags, boards, branches, brush, grass, and leaves.

**Rule 3. Ambient Air Quality Standards**

### 1-3-1: Applicability

(a) The purpose of this regulation is to establish primary and secondary ambient air quality standards for the state of Indiana to the extent necessary to protect public health and welfare, and which are consistent with the intent and provisions of the Indiana law, IC 1971, 13-1-1.

(b) Further, in accordance with provisions of the Clean Air Act, 42 U.S.C. 1857, and the Environmental Protection Agency Standards, Title 40 CFR, Part 50, as amended, and 40 CFR 50, this is a regulation promulgating both primary and secondary air quality standards that are applicable throughout the entire state.

(1) Primary ambient air quality standards define levels of air quality which the board judges are necessary with an adequate margin of safety to protect the public health.

(2) Secondary ambient air quality standards define levels of air quality which the board judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

### 1-3-2: Sampling Methods and Analysis

Procedures to sample the ambient air quality in the state shall be conducted in accordance with the Environmental Protection Agency Regulations Title 40 CFR Part 50, and appendices as amended or other methods approved by the Board.

### 1-3-3: Quality assurance guidelines

Quality assurance of sampling methods and analysis of ambient air quality samples shall be in accordance with the guidelines established by the commissioner and updated periodically as the needs require.

### **326 IAC 1-3-4 Ambient air quality standards**

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) All measurements of air quality that are expressed as mass per unit volume, other than for the particulate matter (PM<sub>2.5</sub>) standards contained in subsection (b)(8), shall be corrected to a reference temperature of twenty-five (25) degrees Celsius and a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two-tenths (1,013.2) millibars), as micrograms per cubic meter (µg/m<sup>3</sup>). Measurements of PM<sub>2.5</sub>, for purposes of comparison to the standards contained in subsection (b)(8), shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

(b) Ambient air quality standards are as follows:

(1) Sulfur oxides as sulfur dioxide (SO<sub>2</sub>) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Eighty (80) µg/m<sup>3</sup> (three-hundredths (0.03) parts per million (ppm)) annual arithmetic mean not to be exceeded in a calendar year.

(ii) Three hundred sixty-five (365) µg/m<sup>3</sup> (fourteen-hundredths (0.14) ppm) maximum twenty-four (24) hour average concentration not to be exceeded more than once per calendar year. The twenty-four (24) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.

(B) For secondary standards, the following value shall represent the maximum permissible ambient air quality levels: one thousand three hundred (1,300) µg/m<sup>3</sup> (five-tenths (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year. The three (3) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.

(C) SO<sub>2</sub> values may be converted to ppm using the conversion factor two thousand six hundred twenty (2,620) µg/m<sup>3</sup>

- = one (1) ppm.
- (2) Total suspended particulates (TSP) requirements are as follows:
- (A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:
    - (i) Seventy-five (75)  $\mu\text{g}/\text{m}^3$  annual geometric mean.
    - (ii) Two hundred sixty (260)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.
  - (B) For secondary standards, the following value shall represent maximum permissible ambient air quality levels: one hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.
- (3) Carbon monoxide (CO) requirements are as follows:
- (A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:
    - (i) Ten (10) milligrams per cubic meter ( $\text{mg}/\text{m}^3$ ) (ten thousand (10,000)  $\mu\text{g}/\text{m}^3$ ) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.
    - (ii) Forty (40)  $\text{mg}/\text{m}^3$  (forty thousand (40,000)  $\mu\text{g}/\text{m}^3$ ) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.
  - (B) CO values may be converted to ppm using the conversion factor one thousand one hundred forty-five (1,145)  $\mu\text{g}/\text{m}^3$  = one (1) ppm.
- (4) Ozone ( $\text{O}_3$ ) requirements are as follows:
- (A) For the one (1) hour ozone standards, the level of the one (1) hour primary and secondary ambient air quality standards for ozone measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\* is twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ) is equal to or less than one (1) as determined by 40 CFR 50, Appendix H\*.
  - (B) For the eight (8) hour ozone standards, the:
    - (i) level of the eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\*, is eight-hundredths (0.08) ppm, daily maximum eight (8) hour average; and
    - (ii) eight (8) hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the average of the annual fourth highest daily maximum eight (8) hour average ozone concentration is less than or equal to eight-hundredths (0.08) ppm as determined in accordance with 40 CFR 50, Appendix I\*.
  - (C)  $\text{O}_3$  values may be converted to ppm using the conversion factor one thousand nine hundred sixty-five (1,965)  $\mu\text{g}/\text{m}^3$  = 1.0 ppm.
- (5) Nitrogen dioxide ( $\text{NO}_2$ ) requirements are as follows:
- (A) For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one hundred (100)  $\mu\text{g}/\text{m}^3$  (fifty-three thousandths (0.053) ppm) annual arithmetic mean concentration in a calendar year.
  - (B)  $\text{NO}_2$  values may be converted to ppm using the conversion factor one thousand eight hundred eighty (1,880)  $\mu\text{g}/\text{m}^3$  = one (1) ppm.
- (6) Lead (Pb): For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one and five-tenths (1.5) micrograms lead per cubic meter of air ( $\mu\text{g}$  of  $\text{Pb}/\text{m}^3$ ), averaged over a calendar quarter and measured as elemental lead.
- (7)  $\text{PM}_{10}$ : For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:
- (A) Fifty (50)  $\mu\text{g}/\text{m}^3$  annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K\*, is less than or equal to fifty (50)  $\mu\text{g}/\text{m}^3$ .
  - (B) One hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix K\*, is equal to or less than one (1).



(8) PM<sub>2.5</sub>: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifteen (15) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) annual arithmetic mean concentration. The standards are attained when the annual arithmetic mean concentration is less than or equal to fifteen (15)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix N\* and measured in the ambient air as PM<sub>2.5</sub> by either:

- (i) a reference method based on 40 CFR 50, Appendix L\*, and designated in accordance with 40 CFR 53\*; or
- (ii) an equivalent method designated in accordance with 40 CFR 53\*.

(B) Sixty-five (65)  $\mu\text{g}/\text{m}^3$  twenty-four (24) hour average concentration. The standards are attained when the ninety-eighth percentile twenty-four (24) hour concentration is less than or equal to sixty-five (65) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), as determined in accordance with 40 CFR 50, Appendix N and measured in the ambient air as PM<sub>2.5</sub> by either:

- (i) a reference method based on 40 CFR 50, Appendix L\*, and designated in accordance of 40 CFR 53\*; or
- (ii) an equivalent method designated in accordance with 40 CFR 53\*.

\*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 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2224; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471; filed Mar 6, 2006, 3:00 p.m.: 29 IR 2179*)

## Rule 5. Episode Alert Levels

Air pollution episode levels are based on levels of air contaminant concentrations in the atmosphere. The levels are established on the basis of the following minimum conditions and, as these figures are reached and verified, the appropriate episode level shall be activated by the Technical Secretary of the Air Pollution Control Board:

### 1-5-1 Air Pollution Forecast

Meteorological advisory bulletin that weather conditions conducive to the accumulation of atmospheric pollutants will persist for at least 36 hours.

### 1-5-2 Air Pollution Alert

That concentration of contaminants at which first stage control actions must begin. When meteorological conditions are such that this condition can be expected to continue for 12 or more hours, an alert will be declared if any one of the following levels is reached:

SO<sub>2</sub> - 0.3 ppm, 24-hour average

Particulate - 3.0 COHs, or

SO<sub>2</sub> and particulate combined - product of SO<sub>2</sub> ppm, 24-hour average and COHs equal to 0.2, or the highest product in any 24-hour period of SO<sub>2</sub> in ppm and particulate in  $\mu\text{g}/\text{m}^3$  equals 24.

CO - 15 ppm, 8-hour average

O<sub>x</sub> - 0.1 ppm, 1-hour average

NO<sub>2</sub> - 0.6 ppm, 1-hour average, 0.15 ppm, 24-hour average

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## Final Rules

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### 1-5-3 Air Pollution Warning

That concentration of contaminants which indicates air quality is continuing to degrade and second stage control actions must begin. When meteorological conditions are such that this condition can be expected to continue for 12 hours or more, a warning will be declared if any one of the following levels is reached:

SO<sub>2</sub> - 0.6 ppm, 24-hour average

Particulate - 6.0 COHs, 24-hour average

Combined SO<sub>2</sub> and COHs, 24-hour average, SO<sub>2</sub> and COHs equal to 1.0, or the highest product in any 24-hour period of SO<sub>2</sub> ppm and particulate in µg/m<sup>3</sup> equal 125.

CO - 30 ppm, 8-hour average

O<sub>x</sub> - 0.4 ppm, 1-hour average

NO<sub>2</sub> - 1.2 ppm, 1-hour average, 0.3 ppm, 24-hour average

### 1-5-4 Air Pollution Emergency

The emergency level is reached when the warning level for a pollutant has been exceeded and (1) the concentrations of the pollutant are continuing to increase, or (2) the Technical Secretary determines that, because of meteorological or other factors, the concentrations will continue to increase.

### 1-5-5 Termination

Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time the next lower status will be assumed.

### Rule 6 Malfunctions

#### **SECTION 9. 326 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:**

##### **326 IAC 1-6-1 Applicability of rule**

**Authority:** IC 13-1-1-4; IC 13-7-7-1

**Affected:** IC 13-1-1

**Sec. 1. The requirements of this rule (~~326 IAC 1-6~~) shall apply to the owner or operator of any facility which has the potential to emit ~~twenty-five (25)~~ pounds per hour of particulates, ~~one hundred (100)~~ pounds per hour of volatile organic compounds or SO<sub>x</sub>, or ~~two thousand (2,000)~~ pounds per hour of any other pollutant, or to the owner or operator of any facility with emission control equipment which suffers a malfunction that causes emissions in excess of the applicable limitation, required to obtain a permit under 326 IAC 2-1-2 and 326 IAC 2-1-4. (Air Pollution Control Board; 326 IAC 1-6-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2380; filed May 25, 1994, 11:00 a.m.: 17 IR 2238)**

**326 IAC 1-6-2 Records; notice of malfunction**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 2. (a) A record shall be kept of all malfunctions, including startups or shutdowns of any facility or emission control equipment which result in violations of applicable air pollution control regulations or applicable emission limitations and such records shall be retained for a period of three (3) years and shall be made available to the commissioner upon request. When a malfunction of any facility or emission control equipment occurs which lasts more than one (1) hour, said condition shall be reported to the commissioner or his appointed representative. Notification shall be made by telephone or telegraph, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of said occurrence. Failure to report a malfunction of any emission control equipment subject to the requirements of this rule (326 IAC 1-6) shall constitute a violation of this rule (326 IAC 1-6) and any other applicable rules. Information of the scope and expected duration of the malfunction shall be provided including the following:

- (1) Identification of the specific emission control device to be taken out of service, as well as the location and permit number of such equipment.
- (2) The expected length of time that the emission control equipment will be out of service.
- (3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.
- (4) Any measures such as the use of off-shift labor on equipment that will be utilized to minimize the length of the shutdown period.
- (5) Any reasons that shutdown of the facility operation during the maintenance period would be impossible for the following reason:
  - (A) continued operation is required to provide essential services, provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be sufficient reason;
  - (B) continued operation is necessary to prevent injury to persons or severe damage to equipment.

(6) A demonstration that interim control measures have reduced or will reduce emissions from the facility during the shutdown period.

*(Air Pollution Control Board; 326 IAC 1-6-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2380; errata, 11 IR 2632)*

**326 IAC 1-6-3 Preventive maintenance plans**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 3. (a) Any person responsible for operating any facility specified in 326 IAC 1-6-1 shall prepare and maintain a preventive maintenance plan including the following information:

(1) Identification of the individual(s) responsible for inspecting, maintaining and repairing emission control devices.

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions.

(3) Identification and quantification of the replacement parts which will be maintained in inventory for quick replacement.

(b) Preventive maintenance plans shall be submitted to the commissioner upon request and shall be subject to review and approval by the commissioner. As deemed necessary by the commissioner, any person operating a facility shall comply with the requirements of subsection (a) of this section. *(Air Pollution Control Board; 326 IAC 1-6-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

**326 IAC 1-6-4 Conditions under which malfunction not considered violation**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 4. (a) Facility owners or operators shall be responsible for operating and maintaining all emission control equipment and combustion or process equipment or processes in compliance with all applicable rules. Emissions temporarily exceeding the standards which are due to malfunctions of facilities or emission control equipment shall not be considered a violation of the rules provided the source demonstrates that:

(1) All reasonable measures were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the allowable limits, including the use of off-shift and over-time labor, if necessary.

(2) All possible steps were taken to minimize the impact of the excessive emissions on ambient air quality which may include but not be limited to curtailment of operation and/or shutdown of the facility.

(3) Malfunctions have not exceeded five percent (5%), as a guideline, of the normal operational time of the facility.

(4) The malfunction is not due to the negligence of the operator.

(b) No facility shall be operated unless the air pollution control device(s) and measures are also in operation simultaneously and are not bypassed, unless necessary to prevent damage to equipment or injury to persons or unless there is a malfunction and the requirements set forth in subsection (a) of this section are met.

(c) Excessive emissions shall be brought into compliance with all practicable speed, and appropriate action, including those set forth above, to correct the conditions causing such emissions to exceed applicable limits; to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. These actions shall be initiated as expeditiously as practicable. *(Air Pollution Control Board; 326 IAC 1-6-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

**326 IAC 1-6-5 Excessive malfunctions; department actions**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 5. The commissioner may consider the following guidance in determining cases of excessive malfunctions. Where records show that repeated malfunctions exceed five percent (5%), as a guideline, of the normal operational time for any one control device or combustion or process equipment, the commissioner may require that the maintenance program be improved or that the defective or faulty equipment or emission control device be replaced. The commissioner may require curtailment of operation of a facility if the owner or operator of the facility or emission control device cannot demonstrate that for the most recent twelve (12) month period the facility and/or the emission control device has operated in compliance with the applicable rules at least ninety-five percent (95%)

of the operating time of said equipment. (*Air Pollution Control Board; 326 IAC 1-6-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2381*)

**326 IAC 1-6-6 Malfunction emission reduction program**

Authority: IC 13-1-1-4; IC 13-7-7

Affected: IC 13-1-1

Sec. 6. Any owner or operator of a facility which has the potential to emit concentration in excess of the concentrations stated in 326 IAC 1-6-1 shall submit by January 19, 1980, or within one hundred eighty (180) days after a new source commences operation, a malfunction emission reduction program. Said program shall include, but not be limited to, the normal operating emission rate and the program proposed to reduce emissions in the event of a malfunction to an emission rate which will not contribute to the cause of the violation of the ambient air quality standards established in 326 IAC 1-3. The program shall be based on the best estimates of type and number of startups, shutdowns, and malfunctions experienced during normal operation of the facility or emission control device and the scope and duration of such conditions.

Said program may be subject to review and approval by the commissioner. (*Air Pollution Control Board; 326 IAC 1-6-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2382*)

**Rule 7. Stack Height Provisions**

**1-7-1 Applicability**

This rule shall apply to any area of the state for the following sources:

- (1) All exhaust gas stacks or chimneys through which a potential of twenty-five (25) tons per year or more of particulate matter are emitted.
- (2) All exhaust gas stacks or chimneys through which a potential of twenty-five (25) tons per year or more of sulfur dioxide are emitted.

1-7-3 Actual stack height provisions

(a) All exhaust gas stacks subject to this rule for which construction commenced after June 19, 1979, shall be constructed using good engineering practice (GEP). Stack height shall be sufficient to insure that emissions from said stack will not cause excessive ground level concentrations due to atmospheric downwash, wakes, and eddies, but in no case shall be less than 30 meters (96 feet). The GEP stack height shall be calculated by adding the height of the supporting or the nearby structure, whichever is largest, to 1.5 times the lesser dimension (height or width) of the supporting or nearby structure. The nearby structure shall be within five times the lesser dimension (width or height) of that structure, but shall in no event exceed 0.8 kilometers (0.5 mile). A greater or lesser stack height may be allowed through wind tunnel, field studies or other methods that show to the satisfaction of the Board that no such excessive concentrations, due to less than adequate stack height, will result.

(b) A source for which construction or modification commenced prior to June 19, 1979, may request the Board to allow an increase in stack height up to GEP as defined in subsection (a) above. Such increase shall be allowed if:

(1) the source demonstrates to the Board that said increase will not cause a violation of the ambient air quality standards as set forth in 325 IAC 1.1-2 (formerly known as APC 14) or PSD increments as set forth in 325 IAC Article 2 (formerly known as APC 19), and

(2) the source demonstrates to the Board that such increase is necessary to prevent downwash.

(c) Regardless of the actual stack height, no exhaust gas stack or chimney constructed after December 31, 1979, shall be given credit for stack height for purposes of modeling or for determination of the ground level concentrations resulting from said stack or chimney greater than that stack height determined to represent good engineering practice unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the Board that a greater height is necessary to prevent adverse impact on the air quality. In the event the necessity for a greater height is demonstrated to the satisfaction of the Board, credit shall be given to the height demonstrated. This section shall be interpreted to allow all stacks, regardless of construction date, to be constructed and to receive credit for purposes of modeling or determination of the ground level concentrations up to good engineering practices as described in Subsection (a) above.

### **326 IAC 1-7-5 Exemptions; limitations**

**Authority:** IC 13-1-1-4; IC 13-7-7

**Affected:** IC 13-1-1

(c) Asphalt concrete plants are exempted from the requirements specified in 326 IAC 1-7-3.

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