

**Final Rule**  
LSA Document #06-412(F)

**DIGEST**

Amends 326 IAC 1-1-3, References to the Code of Federal Regulations and amends  
IAC 1-2-48, 326 IAC 1-2-90,

326

Effective 30 days after filing with the Publisher.

**HISTORY**

IC 13-14-9-8 Findings and Determination: October 4, 2006, Indiana Register (DIN: 20061004-IR-326060412FDA).

IC 13-14-9-8 Notice of First Hearing: October 4, 2006, Indiana Register (DIN: 20061004-IR-326060412PHA).

Date of First Hearing: December 6, 2006.

Proposed Rule: December 27, 2006, Indiana Register (DIN: 20061227-IR-326060412PRA).

Notice of Second Hearing: December 27, 2006, Indiana Register (DIN: 20061227-IR-326060412PHA).

Date of Second Hearing: February 7, 2007.

**326 IAC 1-1-3;**

**326 IAC 1-2-48; 326 IAC 1-2-90;**

SECTION 1. 326 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

**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, ~~2005~~, 2006, 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)

SECTION 3. 326 IAC 1-2-48 IS AMENDED TO READ AS FOLLOWS:

**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)\*. ~~as amended at 69 FR 69298, November 29, 2004\*.~~

(2) 40 CFR 51.100(s)(5)\*. ~~as added at 69 FR 69304, November 29, 2004\*.~~

(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)*

SECTION 4. 326 IAC 1-2-90 IS AMENDED TO READ AS FOLLOWS:

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

Sec. 90. "Volatile organic compound" or "VOC" has the meaning set forth in 40 CFR 51.100(s)\*. ~~as amended at 69 FR 69298, November 29, 2004\* and 69 FR 69304, November 29, 2004\*.~~

*(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)*

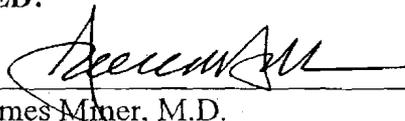
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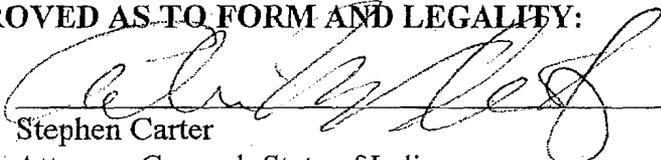
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Agency: Air Pollution Control Board  
Subject: 2006 Annual Update to the References to the Code of Federal Regulations

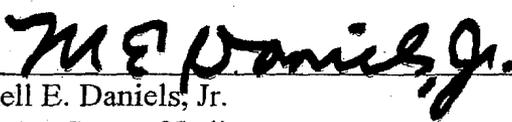
**ADOPTED:**

By:  \_\_\_\_\_ Date: 2/7/07  
James Miner, M.D.  
Chairman  
Air Pollution Control Board

**APPROVED AS TO FORM AND LEGALITY:**

By:  \_\_\_\_\_ Date: 4/24/07  
Stephen Carter  
Attorney General, State of Indiana

**APPROVED:**

By:  \_\_\_\_\_ Date: 4/26/2007  
Mitchell E. Daniels, Jr.  
Governor, State of Indiana

**ACCEPTED FOR FILING:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

TITLE 326 AIR POLLUTION CONTROL BOARD  
LSA Document #06-412(FR)

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By: Rlw