

SECTION 12. 326 IAC 2-2-14, AS ADDED AT 24 JR 2427,  
SECTION 14, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-2-14 Sources impacting federal Class I areas:  
additional requirements**

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) The department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall be given within thirty (30) days of receipt of a permit application and at least sixty (60) days prior to any public hearing on the application for a permit to construct and shall include the following:

- (1) A copy of all information relevant to the permit application.
- (2) An analysis of the proposed source's anticipated impacts on visibility in the federal Class I area.

The department shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under this section, and shall make available to them any materials used in making that determination, promptly after the department makes the determination. The department shall also notify all affected federal land managers within thirty (30) days of receipt of any advance notification of any such permit application.

(b) The federal land manager and the federal official charged with direct responsibility for management of the Class I area have an affirmative responsibility to protect the air quality related values, including visibility, of the Class I area and to consider, in consultation with U.S. EPA, whether a proposed source or modification will have an adverse impact on such values.

(c) The department shall consider any analysis performed by the federal land manager, provided to the department within thirty (30) days of the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the department finds that the analysis does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the federal Class I area, the department must, in the notice of public hearing on the permit application, either explain the decision or give notice as to where the explanation may be obtained.

## Final Rules

(d) The federal land manager of any Class I area may demonstrate to the department that the emissions from a proposed major stationary source or major modification would have an adverse impact on the air quality-related values, including visibility, of a Class I area, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the department concurs with the demonstration, then the department shall not issue the permit.

(e) The owner or operator of a proposed major stationary source or major modification may demonstrate to the federal land manager that the emissions from the source or modification would have no adverse impact on the air quality related values of any Class I areas, including visibility, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with the demonstration and the federal land manager so certifies, the department may issue the permit provided that the applicable requirements of this section are otherwise met, to issue the permit with emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen oxides shall not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

### Maximum Allowable Increase

Pollutant	(Micrograms Per Cubic Meter)
Particulate matter:	
PM <sub>10</sub> , annual arithmetic mean	17
PM <sub>10</sub> , 24 hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24 hour maximum	91
3 hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(f) The owner or operator of a proposed major stationary source or major modification that cannot be approved under subsection (e) may demonstrate to the department that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that an exemption under this subsection would not adversely affect the air quality related values of the area, including visibility. The department, after consideration of the federal land manager's recommendation, if any, and subject to the federal land manager's concurrence, may, after notice and public hearing, grant an exemption from such maximum allowable increase. If such exemption is

granted, the department shall issue a permit to such major stationary source or major modification pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(g) In any case where the department recommends an exemption in which the federal land manager does not concur, the recommendations of the department and the federal land manager shall be transmitted to the president. The president may approve the department's recommendation if the president finds that the exemption is in the national interest. If the exemption is approved, the department shall issue a permit pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(h) In the case of a permit issued pursuant to subsection (f) or (g), the major stationary source or major modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the major stationary source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase (Micrograms Per Cubic Meter) of Sulfur Dioxide		
Terrain Areas		
Period of Exposure	Low	High
24 hour maximum	36	62
3 hour maximum	130	221

(i) The department shall transmit to the U.S. EPA a copy of each permit application relating to a major stationary source or major modification and provide notice to the U.S. EPA of the following actions related to consideration of such permit under this section:

- (1) Receipt of an advanced notification of a permit application affected by this section.
- (2) Any written notice provided to the federal land manager under this section.
- (3) Public notice of a preliminary determination.
- (4) Notices of public hearings.
- (5) Decisions to grant or deny exemptions in accordance with this section.
- (6) Any decision in accordance with subsection (c) that an analysis submitted by the federal land manager does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the Class I area.

**(7) Denial of a permit.**

**(8) Issuance of a permit.**

*(Air Pollution Control Board; 326 IAC 2-2-14; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569)*

52; 40 CFR 52.21; 40 CFR 52.21(b)(14)(iv); 40 CFR Part 58, Appendix B; 40 CFR 60; 40 CFR 60.15(b); 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters; 40 CFR 60, Appendix A, Method 22; 40 CFR 61; 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation; 40 CFR 62; 40 CFR 63; 40 CFR 63.70; 40 CFR 68; 40 CFR 68.10(a); 40 CFR Part 70; 40 CFR 70.3; 40 CFR 72; 40 CFR 75; and 40 CFR 78 have been previously incorporated by reference in LSA Document #99-220(F), filed with the Secretary of State on October 30, 2000; (2) 58 FR 3590 was subsumed in 40 CFR 72, 40 CFR 73, 40 CFR 75, 40 CFR 77, and 40 CFR 78 that have been previously incorporated by reference in LSA Document #99-220(F), filed with the Secretary of State on October 30, 2000; (3) 54 FR 34008, 54 FR 37534, 55 FR 5211, 55 FR 26912, 55 FR 26931, 55 FR 36932, 55 FR 37674, and 55 FR 40171 were subsumed in 40 CFR 60 that has been previously incorporated by reference in LSA Document #99-220(F), filed with the Secretary of State on October 30, 2000; (4) Supplements 11.2.1, 11.2.3, and 11.2.6 of the May 1983 edition of "Compilation of Air Pollutant Factors" (AP-42) have been previously incorporated by reference in LSA Document #00-137(F) published at 25 IR 6 (October 1, 2001, Indiana Register); (5) Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office); (6) Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 42 U.S.C. 5903(d); (7) May 1987 U.S. EPA, "Ambient Air Monitoring Guidelines for Prevention of Significant Deterioration" (EPA 450/4-87-007); (8) May 1999, "Indiana Department of Environmental Management, Office of Air Management Quality Assurance Manual"; (9) Standard Industrial Classification Manual, 1987; (10) August 1983 edition of "Iron and Steel Plant Open Source Fugitive Emission Control Evaluation" (prepared by Midwest Research Institute); (11) April 26, 1984, edition of "Cost Estimates for Selected Fugitive Dust Controls Applied to Unpaved and Paved Roads in Iron and Steel Plants" for paved roads (prepared by Midwest Research Institute); and (12) "Reasonably Available Control Measures for Fugitive Dust Sources", as amended August 1983 and no later amendments, Ohio EPA.

**LSA Document #00-267(F)**

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**Approved by Governor: December 19, 2001**

**Filed with Secretary of State: December 20, 2001, 4:30 p.m.**

**Incorporated Documents Filed with Secretary of State: (1) 40 CFR Part 51, Appendix S, Section IV; 40 CFR Part 51, Appendix W (Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Guideline on Air Quality Models); 40 CFR**