

**SECTION 15. 326 IAC 2-2-15 IS ADDED TO READ AS
FOLLOWS:**

326 IAC 2-2-15 Public participation

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

Affected: IC 13-15; IC 13-17

Final Rules

Sec. 15. (a) An application submitted under this rule shall be processed in accordance with 326 IAC 2-1.1-8.

(b) In addition to the requirements under 326 IAC 2-1.1-6, the requirements in this subsection apply. When making a permit decision under this rule, the department shall do the following:

(1) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(2) Include information concerning the degree of increment consumption that is expected from the source or modification with the public notice under 326 IAC 2-1.1-6(a)(2).

(3) Send a copy of the notice of public comment to the applicant, U.S. EPA, and officials and agencies having knowledge of the location where the proposed construction would occur as follows:

(A) Any other state or local air pollution control agencies.

(B) Any comprehensive regional land use planning agency.

(C) Any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification.

(4) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing or hearings in making a final decision on the approvability of the application. The department shall make all comments available for public inspection in the same locations where the department made available preconstruction information relating to the proposed source or modification.

(5) Make a final determination whether construction should be approved, approved with conditions, or disapproved.

(6) Make the notification of the final determination available for public inspection at the same location where the department made available preconstruction information and public comments relating to the source.

(Air Pollution Control Board; 326 IAC 2-2-15; filed Mar 23, 2001, 3:03 p.m.; 24 IR 2428)

SECTION 16. 326 IAC 2-2-16 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-2-16 Ambient air ceilings

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

Affected: IC 13-15; IC 13-17

Sec. 16. No concentration of a pollutant under this rule shall exceed the concentration permitted under the national:

(1) secondary ambient air quality standard as listed under 40 CFR 50.5 through 40 CFR 50.7 and 40 CFR 50.9 through 40 CFR 50.12*; or

(2) primary ambient air quality standard as listed under 40 CFR 50.4, 40 CFR 50.6 through 40 CFR 50.9, and 40 CFR 50.11 through 40 CFR 50.12*; whichever concentration is lowest for the pollutant for a period of exposure.

*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at 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 2-2-16; filed Mar 23, 2001, 3:03 p.m.; 24 IR 2429)*

LSA Document #99-264(F)

Proposed Rule Published: October 1, 2000; 24 IR 91

Hearing Held: December 6, 2000

Approved by Attorney General: March 6, 2001

Approved by Governor: March 21, 2001

Filed with Secretary of State: March 23, 2001, 3:03 p.m.

Incorporated Documents Filed with Secretary of State: None