

SECTION 9. 326 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 5-1-4 Compliance determination**

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

Affected: IC 13-1-1

Sec. 4. (a) Determination of visible emissions from sources or facilities to which this rule (~~326 IAC 5-1~~) applies ~~may~~ shall be made in accordance with ~~subdivisions~~ subdivision (1) or (2) ~~below~~ as follows:

(1) Determination of visible emissions by means of a qualified observer shall be made according to the following:

(A) ~~Position~~: The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun, if visible, oriented in the **one hundred forty degree** (140°) sector to his back. Consistent with maintaining the ~~above~~ requirement in this clause, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the direction of the visible emissions or plume, where applicable, and when observing opacity of emissions from rectangular outlets, (~~e.g.,~~ for example, monitors, open baghouses, or noncircular stacks, approximately perpendicular to the longer axis of the outlet. The observer's line of sight ~~should~~ shall not include more than one (1) plume at a time when multiple stacks are involved, and in any case the observer ~~should~~ shall make his observations with his line of sight perpendicular to the longer axis of such a set of multiple stacks, (~~e.g.,~~ for example, stub stacks on baghouses.

(B) ~~Field records~~: The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, and the date on a field data sheet. Time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky conditions (presence and color of clouds), and visible emissions or plume ~~where applicable~~ background ~~are~~ shall be recorded on a field data sheet at the time opacity readings are initiated and completed.

(C) ~~Observations:~~ Opacity observations shall be made at the point of greatest opacity in that portion of the visible emissions or plume ~~where applicable~~ where condensed water vapor is not present. The observer shall not look continuously at the visible emissions or plume ~~where applicable~~, but instead shall observe the visible emissions or plume ~~where applicable~~, momentarily at fifteen (15) second intervals.

(D) ~~Recording observations:~~ Opacity observations shall be recorded to the nearest five percent (5%) at fifteen (15) second intervals on an observational record sheet. A minimum of twenty-four (24) observations shall be recorded. Each momentary observation shall be deemed to represent the average opacity of emissions for a fifteen (15) second period.

(E) ~~Determination of opacity as an average of twenty-four (24) consecutive observations:~~ Opacity shall be determined as an average of twenty-four (24) consecutive observations recorded at fifteen (15) second intervals. ~~Readings preceding and following missed readings shall be considered consecutive.~~ Divide the observations recorded on the record sheet into sets of twenty-four (24) consecutive observations. A set is composed of any twenty-four (24) consecutive observations. Sets need not be consecutive in time and in no case shall two (2) sets overlap. For each set of twenty-four (24) observations, calculate the average by summing the opacity of the twenty-four (24) observations and dividing this sum by twenty-four (24). Record the average opacity on a record sheet. For the purpose of determining an alternative visible emission limit in accordance with ~~326 IAC 5-1-5(b) following~~, **section 5(b) of this rule**, an average of twenty-four (24) consecutive readings or more may be used to calculate the alternate visible emissions limit.

(F) ~~Determination of opacity as a cumulative total of fifteen (15) minutes:~~ For emissions from intermittent sources, opacity shall be determined in accordance with ~~clause clauses (A) (B), through (C) and the first sentence of clause (D).~~ Each momentary observation shall be deemed to represent the average opacity of emissions for a fifteen (15) second period. All readings greater than the specified limit in ~~326 IAC 5-1-2 section 2 of this rule~~ shall be accumulated as fifteen (15) second segments for comparison with the limit.

(G) ~~Attached steam plumes:~~ When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point in the plume at which the observations are made.

(H) ~~Detached steam plumes:~~ When water vapor in the plume condenses and becomes visible at a distinct

distance from the emission outlet, the opacity of emissions ~~should~~ shall be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

(2) **For a source or facility in compliance with the requirements of 326 IAC 3-1.1**, determination of compliance with visible emission limitations established in this rule (~~326 IAC 5-1~~) may also be made in accordance with a source's or facility's continuous monitoring equipment for ~~any source or facility in compliance with the requirements of 326 IAC 3-1~~ if determined appropriate by the department or the U.S. EPA.

SECTION 10. 326 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 5-1-5 Violations**

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

Affected: IC 13-1-1

Sec. 5. (a) A violation of this rule (~~326 IAC 5-1~~) shall constitute prima facie evidence of a violation of ~~other the applicable particulate mass emission control regulations-~~ **limitation**. A violation of ~~any such the mass emission rule~~ may be refuted by a performance test conducted in accordance with subsection (b). ~~of this section.~~ ~~Such~~ The test shall refute the mass emission violation only if the source is shown to be in compliance with the allowable mass emission limit. An exceedance of the allowable opacity emission limit **during a performance test** will not be treated as a violation of the **applicable mass emission limitation** if, during the test described in subsection (b), ~~of this section,~~ the source demonstrates compliance with the allowable mass emission limit while simultaneously having visible emissions more than or equal to the reading at which the exceedance was originally observed.

As a condition of approving an alternative opacity limit, the commissioner may require a source to install a continuous opacity emissions monitor, operate the continuous opacity emissions monitor in accordance with procedures specified in 326 IAC 3, and maintain other records needed to verify compliance with the temporary exemption alternative opacity limits. The commissioner may also establish an alternative opacity limit different from the limit that the source requested in the petition. However, in that case, the limit established by the commissioner shall be equal to the lowest opacity that can be continuously achieved at the mass emission level achieved in the performance test.

~~(2)~~ (1) Compliance with 326 IAC 6-1, 326 IAC 6-2, 326 IAC 6-3, and 326 IAC 11-1, and other applicable rules must shall be demonstrated by the performance test.

~~(3)~~ The commissioner may require a performance test in any case where it is necessary to determine the compliance status for a facility. However, the commissioner will not request a performance test for any facility which is known to be in compliance with the allowable opacity limitation.

~~(4)~~ ~~Alt~~ (2) An alternate visible emission limits limit shall be established on a source or facility specific basis. No limitation for any a facility or source shall be established by reference referring to a similar or identical facility or source.

~~(5)~~ The owner or operator of the source or facility shall notify the commissioner at least fifteen ~~(15)~~ days prior to conducting a test for the purposes of demonstrating an alternate visible emission limit.

~~(6)~~ A staff member who is a qualified observer, approved by the commissioner or other consultant approved by the commissioner shall be present during any performance tests.

~~(7)~~ The cost of the performance test shall be at the expense of the owner or operator.

~~(8)~~ Any (3) An alternate visible emission limit established for any a source or facility shall not become effective until said limitation is established in the applicable operating permit. Said limitation will be incorporated, by amendment, into the operating permit for said the source or facility after a public comment period and submitted to the U.S. EPA as a SIP revision. The limitation shall not become effective until approved as a SIP revision by the U.S. EPA.

## Final Rules

(9) (4) Where a visible emission limitation is based upon a new source performance standard, ~~any~~ a new limitation ~~must~~ shall comply with the provisions of ~~said~~ the standard. Nothing in this rule shall be construed as allowing an exception or exemption from a requirement in a state or federal new source performance standard without approval as a SIP revision by the U.S. EPA.

(Air Pollution Control Board; 326 IAC 5-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2423; filed May 12, 1993, 11:30 a.m.: 16 IR 2366)

SECTION 11. 326 IAC 5-1-7 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 5-1-7 State implementation plan revisions

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

Affected: IC 13-1-1

Sec. 7. ~~Any~~ Exemptions given or provisions granted ~~to this rule (326 IAC 5-1-1) by the commissioner under 326 IAC 5-1-3(e), 326 IAC 5-1-3(d), or 326 IAC 5-1-5(b), section 3(c) and 3(d) or section 5(b) of this rule shall be submitted to the U.S. EPA as a SIP revision and shall not become effective until approved as a SIP revision by the U.S. EPA.~~ (Air Pollution Control Board; 326 IAC 5-1-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2425; filed May 12, 1993, 11:30 a.m.: 16 IR 2368)