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Final Rules

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #01-249(F)

DIGEST

Amends 326 IAC 2-6, emission reporting, to clarify existing definitions, add new definitions, change applicability, and add a provision allowing the department to request additional information, including hazardous air pollutant emissions. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: November 1, 1997, Indiana Register (21 IR 801).

First Notice of Comment Period (LSA# 00-44, Readoption of Rules in Title 326 under IC 13-14-9.5): March 1, 2000, Indiana Register (23 IR 1488).

Continuation of First Notice of Comment Period (LSA# 00-44): May 1, 2000, Indiana Register (23 IR 2109).

Second Notice of Comment Period and Notice of First Hearing: February 1, 2001, Indiana Register (24 IR 1462).

Date of First Hearing: April 12, 2001.

Proposed Rule and Third Notice of Comment Period: August 1, 2001, Indiana Register (24 IR 3684).

Notice of Second Hearing: August 1, 2001, Indiana Register (24 IR 3705).

Change in Notice of Public Hearing: September 1, 2001, Indiana Register (24 IR 4012).

Notice of Second Hearing: November 1, 2003, Indiana Register (27 IR 551).

Date of Second Hearing: December 3, 2003.

326 IAC 2-6-1 **326 IAC 2-6-4**
326 IAC 2-6-2 **326 IAC 2-6-5**
326 IAC 2-6-3

SECTION 1. 326 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all sources located in of the following: ~~counties which have the potential to emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than ten (10) tons per year:~~

(1) ~~Clark~~: Sources required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program.

(2) ~~Elkhart~~: Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake.

(B) Porter.

(3) ~~Floyd~~: Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(4) Lake.

(5) Marion.

(6) Porter.

(7) St. Joseph.

(8) Vanderburgh.

(b) This rule also applies to All sources not covered by subsection (a) which have the potential to emit carbon monoxide (CO), volatile organic compounds (VOC), oxides of nitrogen (NO_x), particulate matter (PM₁₀), or sulfur dioxide (SO₂) into the ambient air at levels equal to or greater than one hundred (100) tons per year: ~~permitted by the department are subject to section 5 of this rule, additional information requests.~~

(c) This rule applies to all Sources not covered by subsection (a) or (b) which have the potential to emit lead into the ambient air at levels equal to or greater than five (5) tons per year: ~~must comply with the compliance schedule in section 3 of this rule.~~

(d) If any of the six (6) pollutants listed in subsections (b) and (c) are emitted by a source at levels equal to or greater than the cut-offs set in subsections (a) through (c), then any other emission of a named pollutant by that source must be included in the emission statement even if it is emitted at a level below the applicable cut-offs: *(Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210)*

SECTION 2. 326 IAC 2-6-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-2 Definitions

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

Affected: IC 13-11-2; IC 13-15; IC 13-17

Sec. 2. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise:

(1) "Actual emissions" means the actual rate of emissions in tons per year of a any pollutant from emitted by an emissions unit for the calendar year. ~~or seasonal period:~~

(2) "Annual process rate" means the actual or estimated annual fuel, process, or solid waste operating rate in an emission statement operating a calendar year.

(3) "Certifying individual" means the individual responsible for the completion and certification of the emission statement, such as an officer of the company or an employee, and who will take legal responsibility for the accuracy of the emission statement.

(3) "Ash content" means the inert residual portion of a fuel.

(4) "Capture efficiency" means the percent of the total emissions captured and routed to the air pollution control equipment.

(5) "Control efficiency" means the actual emission control efficiency achieved by the applicable emission control device(s) during the emission statement operating year: percent of the total emissions routed to the air pollution control equipment that are destroyed or captured by the air pollution control equipment. The control efficiency shall reflect includes control equipment downtime operation with diminished effectiveness, and any other malfunctions that occurred while the emission source(s) were unit or units are in operation. If the actual control efficiency during the emission statement operating calendar year is unknown or cannot reasonably be predicted from available data, then the efficiency designed provided by the manufacturer may be used. When the actual control efficiency is unknown, it should be clearly indicated that the designed efficiency, and not the actual efficiency, is being reported. Control efficiency is a measure of how well the device controls emissions; it should not be confused with capture efficiency which reflects how much of the pollutant is routed to the control device.

(6) "Control equipment identification code" means the Aerometric Information Retrieval System (AIRS) or AIRS Facility Subsystem (AFS) code which provided by the department that defines the equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutants in an air a gas stream prior to discharge to the ambient air. Examples of destruction or removal are incineration and carbon adsorption.

(7) "Days per week in operation" means the days per week that the emitting process operates averaged over the inventory period.

(8) "Design capacity" means a measure of the size of a point source based on the reported maximum operational capacity of the unit.

(9) "Downtime" means the period of time when the air pollution control device equipment is not operational during the corresponding period of and the process it is controlling is in operation.

(10) "Emission factor" means an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity, divided by the rate of that activity, such as production rate or throughput.

(11) "Emission statement operating year" means the twelve (12) consecutive month time period starting December 1 and ending November 30 for those sources that fall within section 1(a) of this rule and the twelve (12) consecutive month period starting January 1 and ending December 31 for those sources that fall within section 1(b) and 1(c) of this rule.

(12) "Emissions group" means any combination of like emissions units or processes from a single building, adjacent buildings, or areas. Like emissions units or processes will contain emission units with same or similar

emission estimating methods or source classification codes.

(13) "Estimated emissions method code" means a one (1) position AIRS or AFS code which provided by the department that identifies the estimation technique used in the calculation of estimated emissions.

(14) "Fugitive emission" means releases to the air that are not emitted through stacks, vents, ducts, pipes, or any other confined air stream, including fugitive equipment leaks, evaporative losses from surface impoundments, and releases from building ventilation systems. emissions" has the meaning set forth in 326 IAC 2-7-1(18).

(15) "Heat content" means the amount of thermal heat energy in a solid, liquid, or gaseous fuel.

(16) "Hours per day in operation" means hours per day that the emitting process operated averaged over the days in operation in the calendar year.

(17) "Maximum nameplate capacity" means a measure of a unit's size that the manufacturer puts on the unit's nameplate.

(18) "Oxides of nitrogen" or "NO_x" means air pollution usage comprised of nitric all oxides of nitrogen, including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as molecular weight of nitrogen dioxide.

(19) "Peak ozone season" means that contiguous three (3) month period of the year from June through August.

(20) "Percentage (18) "Percent annual throughput" means the following:

(A) The weighted percent of yearly activity for those sources falling under section 1(a) of this rule for the following periods:

- (i) December through February.
- (ii) March through May.
- (iii) June through August.
- (iv) September through November.

The first season (December through February) will encompass two (2) calendar years, such as December 1992 through February 1993.

(B) The weighted percent of yearly activity for those sources falling under section 1(b) and 1(c) of this rule for the following periods: quarters:

- (i) (A) Winter meaning December, January, through March and February of the same year. For example, winter 2004 would be equal to the sum of the monthly percent activity for January 2004, February 2004, and December 2004.
- (ii) (B) Spring meaning March through June May of the same calendar year.
- (iii) (C) Summer meaning June through September August of the same calendar year.
- (iv) (D) Fall meaning September through December November of the same calendar year.

(21) "Plant" means the total facilities available for production

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or service:

(15) "Point" means a physical emission point or process such as a distinct building or a portion of a building within a plant that results in pollutant emissions. A unique identifier (point identification number) exists for each point within each facility in the AIRS database.

(16) (19) "Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. has the meaning set forth in 326 IAC 2-7-1(29).

(17) (20) "Process rate" means a quantity per unit time of any raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process. For a stationary internal combustion unit or any other fuel burning equipment, this term means the quantity of fuel burned per unit time.

(18) "Segment" means components of an emissions point or process, at the level that emissions are calculated. An example of a segment is a boiler burning #2 oil. A unique identifier (segment identification number) exists for each segment within each point and plant in the AIRS database. Each segment is also identified by a source classification code (SCC).

(19) "SIC code" means the standard industrial classification code. A series of codes devised by the Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

(20) "Stack" means a (smoke) stack or, vent within a plant where emissions are introduced into the atmosphere. A unique identifier exists for each stack within each facility in the AIRS database.

(21) "Stationary source" means any building, structure, facility, or installation which emits, or may emit, any air pollutant subject to regulation under IC 13-1-1.

(22) "Typical ozone season day" means a day typical of that period of the year during the peak ozone season.

(21) "Responsible official" has the meaning set forth in 326 IAC 2-7-1(34).

(22) "Sulfur content" means the sulfur content of a fuel, expressed as percent by weight.

(Air Pollution Control Board; 326 IAC 2-6-2; filed Nov 12, 1993, 4:00 p.m.: 17 IR 733; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210)

SECTION 3. 326 IAC 2-6-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-3 Compliance schedule

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of any facility falling within the applicability guidelines set forth in a source subject to section 1(a) of this rule must annually submit an emission statement covering the previous calendar year to the commissioner. This submittal must be received by the department each year by April 15 for those sources covered by section 1(a) of this rule and by July 1 for those sources covered by section 1(b) and 1(c) of this rule. The submittal should cover the time period as defined in section 2(8) of this rule, according to the following schedule:

(1) Annually, by July 1, for sources subject to section 1(a)(2) of this rule or with the potential to emit annual emissions greater than or equal to any of the following emission thresholds:

(A) Two thousand five hundred (2,500) tons per year of carbon monoxide.

(B) Two thousand five hundred (2,500) tons per year of oxides of nitrogen.

(C) Two thousand five hundred (2,500) tons per year of sulfur dioxide.

(D) Two hundred fifty (250) tons per year of particulate matter less than or equal to ten (10) micrometers (PM₁₀).

(E) Two hundred fifty (250) tons per year of volatile organic compounds.

(2) Triennially, by July 1, according to the schedule in subsection (b) for all sources not subject to annual reporting in subdivision [sic.] (1).

(b) The county schedule for reporting under subsection (a)(2) is as follows:

(1) Starting in 2004, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

(A) Adams County.

(B) Allen County.

(C) Benton County.

(D) Carroll County.

(E) Cass County.

(F) Dekalb County.

(G) Elkhart County.

(H) Fulton County.

(I) Huntington County.

(J) Jasper County.

(K) Kosciusko County.

(L) LaGrange County.

(M) Lake County.

(N) LaPorte County.

(O) Marshall County.

(P) Miami County.

(Q) Newton County.

(R) Noble County.

(S) Porter County.

(T) Pulaski County.

(U) St. Joseph County.

- (V) Starke County.
- (W) Steuben County.
- (X) Wabash County.
- (Y) Wells County.
- (Z) White County.
- (AA) Whitley County.

(2) Starting in 2005, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Blackford County.
- (B) Boone County.
- (C) Clinton County.
- (D) Delaware County.
- (E) Fayette County.
- (F) Fountain County.
- (G) Grant County.
- (H) Hamilton County.
- (I) Hancock County.
- (J) Hendricks County.
- (K) Henry County.
- (L) Howard County.
- (M) Jay County.
- (N) Johnson County.
- (O) Madison County.
- (P) Marion County.
- (Q) Montgomery County.
- (R) Morgan County.
- (S) Parke County.
- (T) Putnam County.
- (U) Randolph County.
- (V) Rush County.
- (W) Shelby County.
- (X) Tippecanoe County.
- (Y) Tipton County.
- (Z) Union County.
- (AA) Warren County.
- (BB) Wayne County.

(3) Starting in 2006, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Bartholomew County.
- (B) Brown County.
- (C) Clark County.
- (D) Clay County.
- (E) Crawford County.
- (F) Daviess County.
- (G) Dearborn County.
- (H) Decatur County.
- (I) Dubois County.
- (J) Floyd County.
- (K) Franklin County.
- (L) Gibson County.
- (M) Greene County.
- (N) Harrison County.
- (O) Jackson County.

- (P) Jefferson County.
- (Q) Jennings County.
- (R) Knox County.
- (S) Lawrence County.
- (T) Martin County.
- (U) Monroe County.
- (V) Ohio County.
- (W) Orange County.
- (X) Owen County.
- (Y) Perry County.
- (Z) Pike County.
- (AA) Posey County.
- (BB) Ripley County.
- (CC) Scott County.
- (DD) Spencer County.
- (EE) Sullivan County.
- (FF) Switzerland County.
- (GG) Vanderburgh County.
- (HH) Vermillion County.
- (II) Vigo County.
- (JJ) Warrick County.
- (KK) Washington County.

(b) (c) The department will make available emission statement reporting forms and guidance will be provided by the department for applicable to sources subject to this rule.

(d) Sources subject to this rule may submit their emission statement as follows:

- (1) Electronically: sources that submit their emission statement electronically must submit to the department a certification that complies with section 4(c)(1) of this rule by the submission deadline.
- (2) By mail: the United States Postal Service postmark is the submittal date.
- (3) By private carrier: records of dates of receipt and delivery by the service must be maintained.
- (4) By hand delivery to the Office of Air Quality, Indianapolis, Indiana.

(Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2212)

SECTION 4. 326 IAC 2-6-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-4 Requirements

Authority: IC 13-14-8; IC 13-17-3
 Affected: IC 13-15; IC 13-17

Sec. 4. (a) A source subject to section 1(a) of this rule shall report estimated actual emissions in the emission statement of the following pollutants:

- (1) Carbon monoxide (CO).
- (2) Volatile organic compounds (VOC).
- (3) Oxides of nitrogen (NO_x).

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- (4) Particulate matter less than or equal to ten (10) micrometers (PM₁₀).
- (5) Sulfur dioxide (SO₂).
- (6) Lead and lead compounds, including any unique chemical substance that contains lead.

(b) Emissions from processes that are insignificant or trivial activities as defined in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40) are not required to be reported in an emission statement.

(c) The emission statement submitted by the source must contain, at a minimum, the following information:

(1) Certification by a responsible official that the information contained in the emission statement is accurate to the best knowledge of the individual certifying the statement based on reasonable estimates using data available to the preparers and on a reasonable inquiry into records and persons responsible for the operation of the source, and is true, accurate, and complete. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying individual. The certifying individual shall be employed by the company and shall take legal responsibility for the accuracy of the emission statement: **person signing the certification.**

(2) Source identification information, to include the following:

(A) Full name, physical location, and mailing address of the facility: **source.**

(B) Source **universal transverse mercator (UTM) or latitude and longitude.**

(C) ~~Site~~ **North American Industry Classification System (NAICS) code.**

(3) Operating data, **for each emission unit or emissions group**, to include the following:

(A) Percent annual throughput by quarter as defined in **section 2 [of this rule].**

(i) For those sources falling within section 1(a) of this rule, the quarters are as follows:

(AA) December through February.

(BB) March through May.

(CC) June through August.

(DD) September through November.

(ii) For those sources falling within section 1(b) and 1(c) of this rule, the quarters are as follows:

(AA) January through March.

(BB) April through June.

(CC) July through September.

(DD) October through December.

(B) For sources falling within section 1(b) and 1(c) of this rule, the Days per week of the normal operating schedule: **in operation.**

(C) For sources falling within section 1(a) of this rule, the days per week on both the normal operating schedule and on a typical ozone season week; if different

from the normal operating schedule. The peak ozone season for Indiana is June through August.

(C) **Design capacity.**

(D) Hours per day during the normal operating schedule: **in operation.**

(E) Hours per year during the normal operating schedule: **in operation.**

(F) For sources falling under section 1(a) of this rule, the weeks of operation during the peak ozone season:

(G) Annual fuel or process weight and units used:

(F) **Maximum nameplate capacity.**

(4) For reporting purposes, multiple stacks that vent to the atmosphere may be grouped together to reflect any grouping of process units. Stack parameters include the following:

(A) **Stack identification.**

(B) **Stack height and diameter (in feet).**

(C) **Universal transverse mercator (UTM) or latitude and longitude coordinates.**

(D) **Exit gas temperature (degrees Fahrenheit).**

(E) **Exit gas flow rates in cubic feet per minute.**

(4) (5) Emissions information for each process, to include the following:

(A) For sources falling within section 1(b) and 1(c) of this rule, The estimated actual volatile organic compounds; oxides of nitrogen; carbon monoxide; sulfur dioxide; lead; or particulate matter (PM₁₀) emissions of all pollutants listed in subsection (a) at the segment process level in tons per year. **for an annual emission rate.** Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method. **Fugitive emissions may be reported as plantwide or grouped together in a logical manner. If control efficiencies are adjusted because of upsets, downtime, and malfunctions, information must be provided about how the control efficiencies are calculated.**

(B) For sources falling within section 1(a) of this rule, the estimated actual volatile organic compounds and oxides of nitrogen emissions at the segment level; in tons per year for an annual emission rate and pounds per day for a typical ozone season day. Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method.

(C) **Acrometric information retrieval system (AIRS) facility subsystem estimated emissions method code.**

(B) **Emissions of VOC and PM₁₀ shall be reported as total VOC and PM₁₀ emissions, respectively.**

(D) (C) **Calendar year for the emissions.**

(D) **Estimated emissions method code provided by the department.**

(E) **Emission factor, if part of emissions were calculated using calculation. Acceptable sources of an emission factor the emission factor must include:**

(i) **be one established in the AP-42, "Compilation of Air Pollutant Emission Factors Volume 1, Fourth Edition;**

September 1985*, or AP-42” as defined at 326 IAC 1-2-20.5.

(ii) in the alternative, the source may substitute Site-specific values other than those listed under item (i) if these site specific values are accepted by the department and the U.S. EPA.

(iii) Other documentable methodology accepted by the department and the U.S. EPA.

(F) Source classification code (SCC) number.

(G) Annual process rate (annual throughput) to the extent it is part of emissions calculation.

(H) Ash content, if part of emissions calculation.

(I) Sulfur content, if part of emissions calculation.

(J) Heat content, if part of emissions calculation.

(5) (6) Control equipment information, to include the following:

(A) Current primary and secondary AIRS facility subsystem control equipment identification codes.

(A) Capture efficiency.

(B) Current control equipment efficiency percentage unless a controlled emission factor is applied. The actual efficiency should reflect the total control efficiency from all control equipment for each process pollutant. If the actual control efficiency is unavailable, the efficiency designed by the manufacturer may be used or the control efficiency limit imposed by a permit should be used.

(C) Control equipment identification code.

(6) Process rate data; to include the following:

(A) Annual process rate (annual throughput): The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for annual fuel process reporting.

(B) For sources falling under section 1(a) of this rule, the peak ozone season daily process rate: The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for peak ozone season daily process rate reporting.

(d) Nothing in this rule requires stack testing.

*These documents are incorporated by reference and are available for review at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana or for purchase from U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711. (Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2213)

SECTION 5. 326 IAC 2-6-5 IS ADDED TO READ AS FOLLOWS:

326 IAC 2-6-5 Additional information requests

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

Affected: IC 13-15; IC 13-17

Sec. 5. The department may request emissions and emissions-related information about any regulated air pollutant as defined at 326 IAC 2-7-1(31) from any source permitted by the department when needed for air quality planning, air quality modeling, or state implementation plan development. A source that receives an information request pursuant to this section shall provide the information, based on reasonable estimates and using data available to the preparers, in writing to the department within sixty (60) days of receipt of the department’s request. A source may request additional time to submit the information. Types of circumstances when the department may request information include the following:

(1) To identify sources or processes that emit a monitored pollutant.

(2) To address public complaints.

(3) To develop and quality assure emissions inventories, as necessary, for permit modeling, state implementation plan development, rulemaking, or perform air risk analysis.

(4) To survey industry wide sources or geographic specific areas to address potential health risks.

(5) To assess pollutants for a single industry source.

(6) To comply with an information request from a local, state, or federal agency.

(7) To verify or supplement Emergency Planning and Community Right-to-Know Act Section 313 toxic release inventory information.

(Air Pollution Control Board; 326 IAC 2-6-5; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2215)

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