Notice of Rescheduled Public Hearing: October 1, 1996, Indiana Register (20 IR 220).

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

First Public Hearing: Opened February 4, 1998, and continued until March 4, 1998.

Preliminary Adoption: March 4, 1998.

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #98-95(F)

DIGEST

Amends 326 IAC 1-2 concerning definitions. Adds 326 IAC 2-1.1 to establish general provisions. Amends 326 IAC 2-2 and 326 IAC 2-3 to update references to new rule citations. Adds 326 IAC 2-4.1 concerning major sources of hazardous air pollutants. Adds 326 IAC 2-5.1 concerning construction of new sources. Adds 326 IAC 2-5.5 concerning registered sources. Adds 326 IAC 2-6.1 concerning minor sources. Amends 326 IAC 2-7 to include provisions for the establishment of emission caps and to provide procedures for Part 70 sources to obtain approvals to modify the source. Amends 326 IAC 2-8 to include provisions for the establishment of emission caps and to implement streamlined permit revision procedures and a unitary permit system. Amends 326 IAC 2-9-1 to update references to new rule citations. Amends 326 IAC 2-9-4 concerning woodworking operations. Amends 326 IAC 2-9-6, 326 IAC 2-10-1, and 326 IAC 2-11-1 to update references to new rule citations. Adds 326 IAC 2-12 concerning general permits. Adds 326 IAC 2-13 concerning interim approvals. Adds 326 IAC 2-14 concerning portable sources. Amends 326 IAC 4-1-1 and 326 IAC 6-1-11 to update references to new rule citations. Repeals 326 IAC 2-1-1, 326 IAC 2-1-2, 326 IAC 2-1-3, 326 IAC 2-1-3.1, 326 IAC 2-1-3.2, 326 IAC 2-1-3.4, 326 IAC 2-1-4, 326 IAC 2-1-5, 326 IAC 2-1-6, 326 IAC 2-1-7.1, 326 IAC 2-1-8, 326 IAC 2-1-9, 326 IAC 2-1-10, 326 IAC 2-1-11.1, 326 IAC 2-1-12, 326 IAC 2-1-13, 326 IAC 2-4, 326 IAC 2-5, and 326 IAC 2-8-11. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: February 1, 1996, Indiana Register (19 IR 1205).

Second Notice of Comment Period: August 1, 1996, Indiana Register (19 IR 3219).

326 IAC 2-1.1

326 IAC 2-1.1-6 Public notice

Authority: IC 13-14-8; IC 13-15-2; IC 13-15-3-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-5-3; IC 13-17

Sec. 6. (a) Registrations, permits, modification approvals, and operating permit revisions issued under this article shall be subject to the following public notice requirements, except as otherwise required in this article. The commissioner shall notify the public of the opportunity to comment on the proposed approval or denial of the registration, permit, modification approval, or operating permit revision as follows:

(1) The commissioner shall provide notice of the receipt of a permit or operating permit revision application to the following:

(A) The county executive of a county that is affected by the permit application.

(B) The executive of a city that is affected by the permit application.

(C) The executive of a town council of a town that is affected by the permit application.

The commissioner may require a person who submits an application to provide information on the application necessary for the commissioner to implement this subdivision.

(2) The commissioner shall publish a notice requesting comment on the proposed permit or permit revision approval or denial in a newspaper of general circulation in the area where the source or emissions unit is located.

(3) The commissioner shall provide a document supporting the proposed permit or permit revision for public inspection in the offices of the local air pollution control agency or the local health commissioner.

(4) The commissioner shall allow a period of at least thirty (30) calendar days opportunity for public comment.

(5) The commissioner may allow opportunity for a public hearing unless otherwise noted.

(6) The commissioner shall provide notice of the commissioner's issuance or denial to those parties listed in IC 13-15-5-3(c).

(b) The following approvals and operating permit revisions shall not be subject to the public notice requirements of this section:

(1) Registrations issued pursuant to 326 IAC 2-5.1-2.

(2) Notice-only operating permit revisions pursuant to 326 IAC 2-6.1-6(c).

(3) Administrative amendments pursuant to 326 IAC 2-7-11 and 326 IAC 2-8-10.

(4) A determination by the commissioner that a source is exempt from the requirements of this article.

(5) A minor permit revision or modification approval under the following:

(A) 326 IAC 2-6.1-6(g).

(B) 326 IAC 2-7-10.5(d), except for those modifications for which the source is requesting both preconstruction approval and operating permit revision.

(C) 326 IAC 2-8-11.1(d).

(c) Within ten (10) days of the submission of an application, each applicant shall place a copy of the permit application or operating permit revision application for public review at a library in the county where the construction or modification is proposed. Each applicant shall notify the commissioner of the location of the library where the copy of the application was placed.

(d) Any person applying for a permit upon land that is either undeveloped or for which a valid existing permit has not been issued shall make, not more than ten (10) working days after submitting the permit application, a reasonable effort to provide notice to all owners or occupants of land adjoining the land which is the subject of the application. Each applicant shall pay the cost of compliance with this subsection. The notice shall be in writing and include the date on which the application was submitted and a brief description of the subject of the application.

(e) Upon written request to the commissioner, a person may be included on a list of persons to receive notification of public comment periods, issuances or denials, or both.

(Air Pollution Control Board; 326 IAC 2-1.1-6; filed Nov 25, 1998, 12:13 p.m.; 22 IR 990)