

**326 IAC 2-2-8 Source obligation**

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following shall apply to any owner or operator who proposes to construct, constructs, or operates a major stationary source or major modification subject to this rule:

(1) Approval to construct, under section 2(b) of this rule, shall become invalid if construction:

- (A) is not commenced within eighteen (18) months after receipt of the approval;
- (B) is discontinued for a period of eighteen (18) months or more; or
- (C) is not completed within a reasonable time.

The commissioner may extend the eighteen (18) month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

(2) Approval for construction shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

(3) At the time a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

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(b) The following provisions apply with respect to any regulated NSR pollutant emitted from projects at an existing emissions unit at a major stationary source, other than projects at a source with a PAL, in circumstances where there is a reasonable possibility, within the meaning of this subsection, that a project that is not a part of a major modification may result in a significant emissions increase of a regulated NSR pollutant, and the owner or operator elects to use the method specified in section 1(pp)(2)(A) of this rule for calculating projected actual emissions:

(1) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project.

(B) Identification of any emissions unit whose emissions of a regulated NSR pollutant could be affected by the project.

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the following:

(i) The baseline actual emissions.

(ii) The projected actual emissions.

(iii) The amount of emissions excluded under section 1(pp)(2)(A)(iii) of this rule.

(iv) An explanation for why the amount was excluded, and any netting calculations, if applicable.

(2) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subdivision (1) to the department. Nothing in this subdivision shall be construed to require the owner or operator of the unit to obtain any determination from the department before beginning actual construction.

(3) The owner or operator shall:

(A) monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subdivision (1)(B); and

(B) calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or the potential to emit that regulated NSR pollutant at the emissions unit.

(4) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within sixty (60) days after the end of each year during which records must be generated under subdivision (3) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in subdivision (1) exceed the baseline actual emissions, as documented and maintained under subdivision (1)(C), by a significant amount, as defined in section 1(wv) of this rule, for that regulated NSR pollutant and if the emissions differ from the preconstruction projection as documented and maintained under subdivision (1)(C). The report shall be submitted to the department within sixty (60) days after the end of the year. The report shall contain the following:

(A) The name, address, and telephone number of the major stationary source.

(B) The annual emissions as calculated under subdivision (3).

(C) The emissions calculated under the actual-to-projected actual test stated in section 2(d)(3) of this rule.

(D) Any other information that the owner or operator wishes to include in the report, such as an explanation as to why the emissions differ from the preconstruction projection.

(6) A reasonable possibility under this subsection occurs when the owner or operator calculates the project to result in either:

(A) a projected actual emissions increase of at least fifty percent (50%) of the amount that is a significant emissions increase, as defined in section 1(xx) of this rule, without reference to the amount that is a significant net emissions increase, for the regulated NSR pollutant; or

(B) a projected actual emissions increase that, added to the amount of emissions excluded under section 1(pp)(2)(A)(iii) of this rule, sums to at least fifty percent (50%) of the amount that is a significant emissions increase, as defined in section 1(xx) of this rule, without reference to the amount that is a significant net emissions increase, for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of this clause, and not also within the meaning of clause (A), then subdivisions (2) through (5) do not apply to the project.

(c) The owner or operator of the source shall make the information required to be documented and maintained under subsection

(b) available for review upon a request for inspection by the department. The general public may request this information from the

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department under 326 IAC 17.1. (*Air Pollution Control Board; 326 IAC 2-2-8; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3904; filed Oct 1, 2010, 3:48 p.m.: 20101027-IR-326070372FRA*)