

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Final Rule**  
LSA Document #10-112(F)

**DIGEST**

Amends 326 IAC 1-1-3 concerning an update to references to the CFR to mean the 2009 edition and amends 326 IAC 1-2-48, 326 IAC 19-2-1, and 326 IAC 20-28 to update citations to federal standards that are incorporated by reference. Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule: March 3, 2010, Indiana Register (DIN: 20100303-IR-326100112FDA).

Notice of Public Hearing: March 3, 2010, Indiana Register (DIN: 20100303-IR-326100112PHA).

Change in Notice of Public Hearing: May 5, 2010, Indiana Register (DIN: 20100505-IR-326100112CHA).

Date of Hearing: June 2, 2010.

**326 IAC 1-1-3; 326 IAC 1-2-48; 326 IAC 19-2-1; 326 IAC 20-28-1**

SECTION 1. 326 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3 References to the Code of Federal Regulations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~2008~~, 2009, edition\*.

\*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

*(Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA; filed Apr 1, 2008, 9:59 a.m.: 20080430-IR-326070373FRA; filed Jul 1, 2009, 3:12 p.m.: 20090729-IR-326080901FRA; filed Oct 1, 2010, 3:49 p.m.: 20101027-IR-326100112FRA)*

SECTION 2. 326 IAC 1-2-48 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-2-48 "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" defined**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-17-3-14

Sec. 48. (a) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) as follows:

(1) 40 CFR 51.100(s)(1)\*, as amended at 74 FR 3437, January 21, 2009\*.

(2) 40 CFR 51.100(s)(5)\*.

(3) 40 CFR 51.100(s)(2)\*, as measured by 326 IAC 8-1-4 and approved by the commissioner, subject to conditions under 40 CFR 51.100(s)(3) through 40 CFR 51.100(s)(4)\*.

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

\*These documents are incorporated by reference. Copies referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Legal Counsel, Air Quality, Indiana Government Center North, Thirteenth Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

*(Air Pollution Control Board; 326 IAC 1-2-48; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Oct 20, 2005, 1:30 p.m.: 29 IR 796; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA; filed Jan 6, 2010, 4:07 p.m.: 20100203-IR-326090477FRA; filed Oct 1, 2010, 3:49 p.m.: 20101027-IR-326100112FRA)*

LSA Document #10-112(F)

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: 20100303-IR-326100112FDA

Hearing Held: June 2, 2010

Approved by Attorney General: September 24, 2010

Approved by Governor: September 28, 2010

Filed with Publisher: October 1, 2010, 3:49 p.m.

Documents Incorporated by Reference: 29 CFR, July 1, 2009 edition; 40 CFR, July 1, 2009 edition

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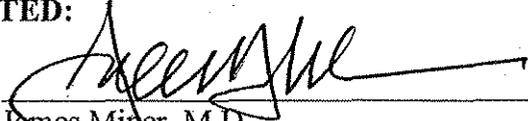
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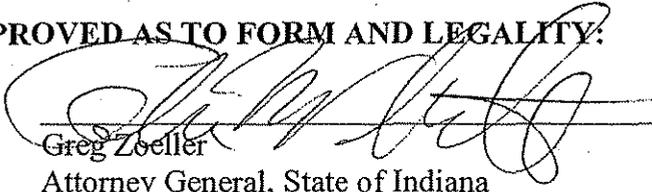
# Rule Signature Page

Rule #: LSA #10-112(F)  
Agency: Air Pollution Control Board  
Subject: 2009 Update to References to the CFR

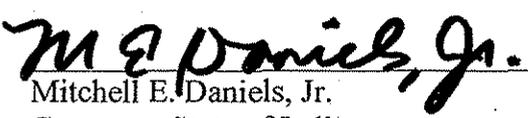
**ADOPTED:**

By:  \_\_\_\_\_ Date: 6/2/10  
James Miner, M.D.  
Chairman  
Air Pollution Control Board

**APPROVED AS TO FORM AND LEGALITY:**

By:  \_\_\_\_\_ Date: 9/24/10  
Greg Zoeller  
Attorney General, State of Indiana

**APPROVED:**

By:  \_\_\_\_\_ Date: 9/28/10  
Mitchell E. Daniels, Jr.  
Governor, State of Indiana

**ACCEPTED FOR FILING:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

TITLE 326 AIR POLLUTION CONTROL BOARD  
LSA Document #10-112(FR)

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