

SECTION 10. 326 IAC 2-2-9, AS AMENDED AT 24 IR 2424, SECTION 9, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-9 Innovative control technology

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

Affected: IC 13-15; IC 13-17

Sec. 9. Any owner or operator of a proposed major stationary source or major modification may request the commissioner in writing to approve a system of innovative control technology as follows:

(1) The commissioner shall, with the consent of the governors of other affected states, allow the source or modification to employ a system of innovative control technology if the following are met:

(A) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(B) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under section 3 of this rule by a date specified by the commissioner. Such date shall not be later than four (4) years from the time of startup or seven (7) years from the date of permit issuance.

(C) The source or modification will meet the requirements of sections 3 and 4 5 of this rule, based on the emissions rate that the source employing the system of innovative control technology would be required to meet on the date specified by the commissioner.

(D) The source or modification will not, before the date specified by the commissioner:

(i) cause or contribute to a violation of an applicable ambient air quality standard as designated in 326 IAC 1-3; or

(ii) impact any area where an applicable increment is known to be violated.

(E) All other applicable requirements, including those for public participation, have been met.

(F) If applicable, the provisions of section 14 of this rule, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification.

(2) The commissioner shall withdraw any approval to employ a system of innovative control technology made under this section if:

- (A) the proposed system fails by the specified date to achieve the required continuous emissions reductions rate;
- (B) the proposed system fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or
- (C) the commissioner decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(3) If a major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or the approval is withdrawn in accordance with subsection (a)(2); subdivision (2), the commissioner may allow the major stationary source or major modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(Air Pollution Control Board; 326 IAC 2-2-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1568)