



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

December 12, 2023

Kurt Thiede
Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: State Implementation Plan Submittal for
Indiana Regarding 326 IAC 1-1-3 and 326 IAC 20-
1-1, regarding References to the Code of Federal
Regulations (LSA #23-29)

Dear Mr. Thiede:

Pursuant to Section 110 of the Clean Air Act and Title 13 of the Indiana Code, the Indiana Department of Environmental Management (IDEM) submits an amendment to the Indiana state implementation plan. This amendment consists of revisions to 326 IAC 1-1-3 and 326 IAC 20-1-1, accomplished through one rulemaking. IDEM requests that the United States Environmental Protection Agency (U.S. EPA) approve 326 IAC 1-1-3 and 326 IAC 20-1-1.

This submittal is being made through U.S. EPA's SPeCS for SIPs. In order to assist with your review of this state implementation plan submission, a list of supporting documents is attached.

Throughout the development of amendments to the existing rule, the Office of Air Quality and Office of Legal Counsel worked closely with your staff to ensure that any potential problems that might exist with this requested state implementation plan revision would be resolved. I request that U.S. EPA approve these modifications of Indiana's state implementation plan. If you have any questions regarding this submittal, please contact Christine Pedersen, Rule Development Section Chief, Office of Legal Counsel at (317) 233-5684.

Sincerely,

Matt Stuckey
Assistant Commissioner
Office of Air Quality

Supporting Documents

Attachment A: Administrative Checklist (40 CFR 51, Appendix V)

Attachment B: Final Rule. LSA Document #23-29(F) as published in the Indiana Register on October 18, 2023 (DIN: 20231018-IR-326230029FRA)

Attachment C: Signature Page

Attachment D: Notice of Public Hearing, as published in the Indiana Register on January 25, 2023 (DIN: 20230125-IR-326230029PHA)

Attachment E: Section 8 Notice, including the Notice of Public Hearing, as published in the Indiana Register on January 25, 2023 (DIN: 20230125-IR-326230029FDA)

Attachment F: Change in Notice of Public Hearing, as published in the Indiana Register on April 19, 2023 (DIN: 20230419-IR-326230029CHA)

Attachment G: Certificates of Web Publication

Attachment H: Transcript of Public Hearing, including Exhibits, held on June 14, 2023

Attachment I: Incorporation by Reference

ADMINISTRATIVE CHECKLIST (40 CFR 51, Appendix V)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. The submittal is accompanied by a formal letter of submittal from the governor or his designee. | Enclosed |
| 2. Evidence that the State has adopted the plan in the State Code or body of regulations; or issued the permit, order, or Consent agreement (“document”); in final form. | Attachment C |
| a. Date of adoption or final issuance: | June 14, 2023 |
| b. The effective date of the plan, if different from the adoption/issuance date. | October 20, 2023 |
| 3. Evidence that the State has the necessary legal authority under state law to adopt and implement the plan. | IC 13-14-8 |
| 4. A copy of the actual regulation or document submitted for approval and incorporation by reference into the plan, including the following: | Attachment B |
| a. Indication of the changes made to the existing approved plan, where applicable. | |
| b. The submittal shall be a copy of the official State regulation or document signed, stamped, dated by the appropriate state official indicating that it is fully enforceable by the State. Effective date shall be stated in the document itself. | |
| 5. Evidence that the State followed all of the procedural requirements of the State=s laws and constitution in conducting and completing the adoption/issuance of the plan. | Attachment C |
| 6. Evidence that public notice was given, including date of proof of publication. | Attachments D, F, and G |
| <input checked="" type="checkbox"/> Notice of Public Hearing and Certificates of Web Publication | |
| 7. Certification that public hearings were held in accordance with information provided in public hearing notice. | Attachment H |
| <input checked="" type="checkbox"/> Transcript from Public Hearing | |
| 8. Compilation of public comments and State=s response. | Attachment E |
| <input checked="" type="checkbox"/> Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule | |

Summary/Response to Comments from the IC 13-14-
9-8 Comment Period

Draft Rule

9. Technical Support Document (source specific rule change).

Attachment I

TITLE 326 AIR POLLUTION CONTROL DIVISION

Final Rule

LSA Document #23-29(F)

DIGEST

Amends 326 IAC 1-1-3 to update the Code of Federal Regulations (CFR) to the July 1, 2022, edition, and amends 326 IAC 20-1-1 to incorporate by reference 40 CFR 63, Subpart C, into the state's emission standards for hazardous air pollutants. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029FDA).

Notice of First Hearing: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029PHA).

Change in Notice of Public Hearing: April 19, 2023, Indiana Register (DIN: 20230419-IR-326230029CHA).

Date of Public Hearing: June 14, 2023

326 IAC 1-1-3

326 IAC 20-1-1

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 4-22-2-21; IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-22-9-5; IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (~~CFR~~) means the July 1, ~~2018~~, **2022**, edition. (*Air Pollution Control Division; 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; filed Mar 28, 2012, 12:51 p.m.: 20120425-IR-326110472FRA; filed Aug 1, 2014, 10:53 a.m.: 20140827-IR-326130501FRA; filed Nov 7, 2016, 3:35 p.m.: 20161207-IR-326160208FRA; filed Mar 5, 2020, 2:08 p.m.: 20200401-IR-326190382FRA*)

SECTION 2. 326 IAC 20-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-1-1 Incorporation of federal regulations

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. The ~~air pollution control board incorporates by reference~~ **following federal regulations are incorporated by reference:**

(1) 40 CFR 63, Subpart A*, concerning general provisions for emission standards for hazardous air pollutants.

(2) 40 CFR 63, Subpart C*, concerning the list of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

*These documents are incorporated by reference. Copies ~~section~~ may be obtained from the Government ~~Printing~~ **Publishing** Office, 732 North Capitol Street NW, Washington, D.C. 20401 www.gpo.gov, or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality~~, **Legal Counsel**, Indiana Government Center North, ~~Tenth Floor~~, 100 North Senate Avenue, **Thirteenth Floor**, Indianapolis, Indiana IN 46204. (*Air Pollution Control Division; 326 IAC 20-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089*)

SMALL BUSINESS ASSISTANCE INFORMATION

IDEM established a compliance and technical assistance program (CTAP) under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of IC 4-22-2-28.1, small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Kari Clevenger

IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316

100 North Senate Avenue

Indianapolis, IN 46204-2251

(317) 233-0572 or (800) 988-7901

ctap@idem.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Matthew Jaworowski

Small Business Ombudsman

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, IN 46204

(317) 650-0126

majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

Small Business Assistance Program Ombudsman:

Drake Abramson
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
dabramso@idem.in.gov

Rule Signature Page

Rule #: LSA Document #23-29 (F)
Agency: Environmental Rules Board
Subject: References to the Code of Federal Regulations

ADOPTED:

By: Beverly J. Gaed Date: June 14, 2023
Beverly J. Gaed
Chairperson, Environmental Rules Board

APPROVED AS TO FORM AND LEGALITY:

By: William H. Anthony (for) Date: 9/12/2023
Todd Rokita
Attorney General, State of Indiana

APPROVED:

By: Joseph R. Heepens, General Counsel (for) Date: 9/18/2023
Eric J. Holcomb
Governor, State of Indiana

ACCEPTED FOR FILING:

Title 326 Air Pollution Control Division
LSA Document #23-29(F)

Filed with Publisher: September 20, 2023, 4:27 p.m.

By: hj
Indiana Register
Legislative Services Agency

Notice of Public Hearing

LSA Document #23-29

Notice of Public Hearing

These rules are not scheduled for hearing at this time. When the public hearing is scheduled, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, at kwalsh@idem.in.gov, (317) 232-8229, or (800) 451-6027 (in Indiana).

The rule is available to be inspected and copied at the office of the Rules Development Branch, Office of Legal Counsel, Indiana Department of Environmental Management, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana.

Christine Pedersen
Rules Development Section
Office of Legal Counsel

Posted: 01/25/2023 by Legislative Services Agency
An [html](#) version of this document.

TITLE 326 AIR POLLUTION CONTROL DIVISION**FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO [IC 13-14-9-8](#) AND DRAFT RULE
LSA Document #23-29****REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR)****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language to update references to the Code of Federal Regulations (CFR) at [326 IAC 1-1-3](#), to bring it up to date with the July 1, 2022, edition, and to update [326 IAC 20-1-1](#) to incorporate by reference 40 CFR 63, Subpart C, into the state's emission standards for hazardous air pollutants. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules.

CITATIONS AFFECTED: [326 IAC 1-1-3](#); [326 IAC 20-1-1](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-14-9-8](#); [IC 13-17-3](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-8](#) recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the [IC 13-14-9](#) environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the draft rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by [IC 13-14-9-8](#), the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-8](#).

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in [IC 13-14-9-7\(a\)\(2\)](#) from:

(A) exposing the rule to diverse public comment under [IC 13-14-9-3](#) or [IC 13-14-9-4](#);

(B) affording interested or affected parties the opportunity to be heard under [IC 13-14-9-3](#) or [IC 13-14-9-4](#);

and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under [IC 13-14-9-3](#) and [IC 13-14-9-4](#).

BACKGROUND

"References to the Code of Federal Regulations" at [326 IAC 1-1-3](#) indicates the yearly edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout [326 IAC](#), unless a previous edition is specified in the rule. The latest version of the CFR contained in [326 IAC 1-1-3](#) is July 1, 2018. Since that date, several new federal regulations have been promulgated that are not reflected in the current version of [326 IAC](#). By updating the reference date to July 1, 2022, [326 IAC](#) will be consistent with those regulations that the federal government promulgated between July 1, 2018, and June 30, 2022.

This rulemaking will incorporate citations by reference from Titles 29 and 40 of the CFR into [326 IAC](#). Title 29 of the CFR contains federal regulations for the asbestos program. Title 29 is referenced in [326 IAC 14](#) (Emission Standards for Hazardous Air Pollutants) and [326 IAC 18](#) (Asbestos Management). These regulations are either directly incorporated by reference into [326 IAC](#) as state-enforceable rule provisions or as federal authority for the implementation and enforcement of state rule provisions. Title 40 of the CFR includes all federal environmental

regulations promulgated by the United State Environmental Protection Agency (U.S. EPA). Title 40 is referenced throughout [326 IAC](#). Some of the regulations and changes that have occurred since the last update to [326 IAC 1-1-3](#). References to the CFR, include:

83 FR 35122, Wednesday, July 25, 2018- National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Portland Cement Manufacturing Industry, Subpart LLL: This rule finalized the residual risk and technology review conducted for the Portland Cement Manufacturing Industry source category regulated under NESHAP.

84 FR 8422, Friday, March 8, 2019- Emissions Monitoring Provisions in State Implementation Plans (SIP) Required Under the Nitrogen Oxides (NO_x) SIP Call: This rule revised some of the regulations that were originally promulgated in 1998 to implement the NO_x SIP Call. It gave covered states greater flexibility concerning the form of NO_x emissions monitoring requirements that states must include in their SIPs for certain emission sources, and revised the requirement for large affected units in the state to monitor emissions as specified in 40 CFR 75.

85 FR 18448, Thursday, April 2, 2020- Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces: This final action amended the 2015 New Source Performance Standards for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces by removing certain requirements from the rule for pellet fuel to meet certain specifications regarding density, size, and content, while retaining a provision in the rule that requires U.S. EPA-approved third party organizations to specify minimum requirements as part of the pellet fuel certification process.

85 FR 73854, November 19, 2020- Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act: This final rule provides that a major source can be reclassified to area source status at any time upon reducing its potential to emit hazardous air pollutants to major source thresholds by amending general provision language at 40 CFR 63, Subpart A, incorporated by reference into state rules at [326 IAC 20-1-1](#). This rule updated the reporting and record keeping requirements for 40 CFR 63, Subpart L, for coke oven batteries, and 40 CFR 63, Subpart T, for halogenated solvent cleaning.

This rule also amends [326 IAC 20-1-1](#) to incorporate by reference 40 CFR 63, Subpart C (List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List). The federal rule was most recently amended on January 5, 2022 (87 FR 393), with the addition of 1-bromopropane to the Clean Air Act Section 112(b) List of Hazardous Air Pollutants (HAP). Previously, deletion of pollutants were the only changes made to the HAP list in Subpart C, but the January final rule contains the first addition to the HAP list of 1-bromopropane. Therefore, it is necessary to incorporate the list in state rules to ensure that permits are accurately issued and that state rules are consistent with federal standards.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that have a substantive effect on the scope or application of the federal rule.

Potential Fiscal Impact

Updating [326 IAC 1-1-3](#) to reference the July 1, 2022, edition of the CFR and updating [326 IAC 20-1-1](#) to incorporate 40 CFR 63, Subpart C, provides consistency between federal and state rules and does not establish any requirements to which the regulated sources are not already subject. There are no increased costs to the regulated entities due to this rulemaking. The proposed amendments to [326 IAC 1-1-3](#) and [326 IAC 20-1-1](#) will have no fiscal impact because the amendments are an incorporation of existing federal law and no impact beyond that already imposed by the federal law is imposed by this rulemaking.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Kari Clevenger

IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison

IGCN 1316

100 North Senate Avenue

Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Drake Abramson
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
dabramso@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared findings regarding this rulemaking updating references to the July 1, 2022, edition of the CFR and updating [326 IAC 20-1-1](#) to incorporate by reference 40 CFR 63, Subpart C, into the state's hazardous air pollutant rules. These findings are prepared under [IC 13-14-9-8](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law to adopt these requirements as established by the U.S. EPA.
- (3) The environment and persons regulated or otherwise affected by the draft rule will benefit from prompt adoption of this rule, because it ensures state and federal requirements are consistent by incorporating by reference federal regulations at 40 CFR 63, Subpart C, for hazardous air pollutants.
- (4) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the draft rule from the first or second written comment period under [IC 13-14-9-3](#) or [IC 13-14-9-4](#), or from the first public hearing under [IC 13-14-9-5\(a\)\(1\)](#).
- (5) The draft rule is hereby incorporated into these findings.

Brian Rockensuess
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #23-29 2022 CFR Update
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By electronic mail to kwash@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than February 24, 2023.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, at kwalsh@idem.in.gov, (317) 232-8229, or (800) 451-6027 (in Indiana).

DRAFT RULE

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 4-22-2-21](#); [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 4-22-9-5](#); [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) means the July 1, ~~2018~~, **2022**, edition.

(Air Pollution Control Division; [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](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#); filed Nov 7, 2016, 3:35 p.m.: [20161207-IR-326160208FRA](#); filed Mar 5, 2020, 2:08 p.m.: [20200401-IR-326190382FRA](#))

SECTION 2. [326 IAC 20-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 20-1-1](#) Incorporation of federal regulations

Authority: [IC 13-15-2-1](#); [IC 13-17-3-4](#)

Affected: [IC 13-12-3-1](#)

Sec. 1. The air pollution control board incorporates by reference **following federal regulations are incorporated by reference:**

- (1) 40 CFR 63, Subpart A*, concerning general provisions for emission standards for hazardous air pollutants.
- (2) 40 CFR 63, Subpart C*, concerning the list of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

*These documents are incorporated by reference. Copies ~~section~~ may be obtained from the Government Printing Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20404 www.gpo.gov, or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Legal Counsel, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana IN 46204.

(Air Pollution Control Division; [326 IAC 20-1-1](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089)

[Notice of Public Hearing](#)

Posted: 01/25/2023 by Legislative Services Agency

TITLE 326 AIR POLLUTION CONTROL DIVISION

Change in Notice of Public Hearing

LSA Document #23-29

The Air Pollution Control Division gives notice that the date of the public hearing for LSA Document #23-29, posted at [20230125-IR-326230029FDA](#), has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under [IC 4-22-2-24](#), [IC 13-14-8-6](#), and [IC 13-14-9](#), notice is hereby given that on **June 14, 2023, at 1:30 p.m.**, at the **Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana**, the Environmental Rules Board (ERB) will hold a public hearing on amendments to [326 IAC 1-1-3](#) and [326 IAC 20-1-1](#), concerning updating the Code of Federal Regulations to the July 1, 2022, edition, and incorporating by reference 40 CFR 63, Subpart C, into the state's emission standards for hazardous air pollutants.

The purpose of this hearing is to receive comments from the public prior to consideration of final adoption of these rules by the ERB. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, at kwash@idem.in.gov, (317) 232-8229 or (800) 451-6027 (in Indiana).

The public may attend the ERB meeting in person or join by using the Teams link, meeting ID and passcode, or telephone numbers that can be found prior to the meeting at:

<https://events.in.gov/idem>

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

Indiana Government Center North

100 North Senate Avenue

Indianapolis, IN 46204-2251

or call (317) 233-1785 (V). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

The rule is available to be inspected and copied at the office of the Rules Development Branch, Office of Legal Counsel, Indiana Department of Environmental Management, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana and at: <https://www.in.gov/idem/legal/2355.htm>.

Christine Pedersen
Rules Development Section
Office of Legal Counsel

Posted: 04/19/2023 by Legislative Services Agency

An [html](#) version of this document.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

May 9, 2023

CERTIFICATE OF PUBLICATION

This is to certify that the Indiana Department of Environmental Management (IDEM) Notice of Public Hearings for the Environmental Rules Board Meeting, June 14, 2023, regarding the following rulemaking action:

- Adoption of Amendments, Title 326 CRF Updates, LSA #23-39
- Preliminary Adoption, Title V Permitting Fees, LSA #23-290

was published on IDEM's web site on or before May 9, 2023. It will remain posted on the site until at least June 14, 2023.

The notice in full may be found at the following web address, under the "Statewide" category.

<https://www.in.gov/idem/public-notices/public-notices-statewide/>

Web publication of the notice was at the request of Christine Pedersen, Section Chief, Rule Development Section, Office of Legal Counsel, IDEM.

By:

Kevin Bump
IDEM Webmaster

Attachments:

Copy of web page as published.

Legal Notice of Public Hearing

Under 40 CFR 51.102, notice is hereby given that the Environmental Rules Board (board) will hold a public hearing at its regularly scheduled meeting on Wednesday, June 14, 2023, for the air program rules listed in this notice. The meeting will convene at 1:30 p.m. at the Indiana Government Center-South, Conference Center Room A, 10 North Senate Avenue, Indianapolis, Indiana and will be accessible virtually through Zoom.* The purpose of the hearing is to receive public comments prior to board action. All interested persons are invited and will be given a reasonable opportunity to express their views concerning the proposed action.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <https://www.in.gov/idem/legal/2355.htm>.

Copies of the proposed air program rules are also available to any person upon request, may be viewed online via the Internet from local libraries, and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center-North, 100 North Senate Avenue, 13th Floor, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 330 West US Highway 30, Suite F, Valparaiso, IN 46385.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Dr. Martin Luther King Jr. Boulevard, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 114 South 7th Street, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Legislative Services Agency, Indiana Government Center-North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

The following air program rule is noticed for hearing and action:

Title 326 CFR Updates. LSA #23-29.

The purpose of this hearing is to receive public comment prior to adoption of amendments to rules at 326 IAC 1-1-3 concerning an update to the Code of Federal Regulations to the July 1, 2022 edition, and at 326 IAC 20-1-1 concerning the incorporation by reference of the hazardous air pollutant provisions in 40 CFR 63, Subpart C. A copy of the most recently published version of this rule is available at: <http://www.in.gov/idem/legal/2351.htm>.

For additional information concerning this rule contact Keelyn Walsh at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or kwalsh@idem.in.gov.

Title V Permitting Fees. LSA #23-290.

The purpose of this hearing is to receive public comment prior to preliminary adoption of amendments to 326 IAC 2-1.1-7 concerning Title V air permit fee increases required by Senate

Enrolled Act (SEA) 155. A copy of the most recently published version of this rule is available at: <http://www.in.gov/idem/legal/2351.htm>.

For additional information concerning this rule contact Seth Engdahl at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 234-9535 or (800) 451-6027 (ext. 4-9535) (in Indiana), or sengdahl@idem.in.gov.

*The public may attend the board meeting in person or join by using the Zoom link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>.

A transcript of the hearings and all written submissions to the board at the public hearings are open to public inspection at the Indiana Department of Environmental Management and any person may obtain a copy upon payment of reproduction costs. Copies of transcripts are available upon receipt by the department at: <https://www.in.gov/idem/legal/2334.htm>.

Christine Pedersen, Chief
Rules Development Section
Office of Legal Counsel

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF JUNE 14, 2023

ORIGINAL

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,
Beverly Gard, Chairman, taken before me, Lindy L.
Meyer, Jr., a Notary Public in and for the State
of Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Wednesday, June 14, 2023 at 1:28
o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC
532 Ponds Pointe Drive
Carmel, Indiana 46032
TELEPHONE: (317)848-0088
E-MAIL: accuratereportingofindiana@gmail.com

1 APPEARANCES:

2 BOARD MEMBERS:

3 Beverly Gard, Chairman (via Zoom)
4 Michael Schuler (via Zoom)
5 Dr. Ted Niemiec
6 Dr. Joanne Alexandrovich
7 Ken Rulon (via Zoom)
8 William Etzler (via Zoom)
9 Chris Horn (via Zoom)
10 Carrie Kozyrski
11 Calvin Davidson
12 Chris Smith, Proxy, Department of
13 Natural Resources
14 Katie Nelson, Proxy, Lieutenant
15 Governor
16 Brian Rockensuess (nonvoting)

17 IDEM STAFF MEMBERS:

18 Chris Pedersen
19 Keelyn Walsh
20 Seth Engdahl
21 Krystal Hackney
22 Dan Watts
23 Jason House
24 Nancy King
25 Colleen Rennaker
26 Dallas O'Hern
27 Karla Kindrick

28 PUBLIC SPEAKERS:

29 Joyce Dreesen (via Zoom)
30 Ferrell Kemp
31 Joyce Voivodas (via Zoom)

32

33

34

1 1:28 o'clock p.m.
June 14, 2023

2 - - -
3 CHAIRMAN GARD: I'm going to call the
4 Indiana Environmental Rules Board of June 14th,
5 2023 at 1:30 p.m. to order. It appears we have a
6 quorum, but I do need to call the roll since
7 we're doing this partially remotely.

8 Comm. Rockensuess?

9 COMM. ROCKENSUESS: Here.

10 CHAIRMAN GARD: Dr. Niemiec?

11 DR. NIEMIEC: Here.

12 CHAIRMAN GARD: Dr. Alexandrovich?

13 DR. ALEXANDROVICH: Here.

14 CHAIRMAN GARD: Mr. Schuler?

15 (No response.)

16 CHAIRMAN GARD: Mr. Smith?

17 MR. SMITH: Here.

18 CHAIRMAN GARD: Mr. Rulon?

19 MR. RULON: Here.

20 CHAIRMAN GARD: Ms. Nelson?

21 MS. NELSON: Here.

22 CHAIRMAN GARD: Mr. Horn?

23 MR. HORN: Present.

1 CHAIRMAN GARD: Mr. Davidson?

2 MR. DAVIDSON: Here.

3 CHAIRMAN GARD: Mr. Etzler?

4 MR. ETZLER: Here.

5 CHAIRMAN GARD: And Ms. Kozyrski?

6 MS. KOZYRSKI: Here.

7 CHAIRMAN GARD: And Chairman Gard is
8 here, so we have one, two, three -- seven, eight,
9 nine, ten, eleven, so we do have a quorum.

10 At this point I'm going to ask Dallas
11 O'Hern to cover the meeting logistics for
12 in-person and remote participants.

13 MR. O'HERN: Thank you for joining us
14 today. My name is Dallas O'Hern. I'm a Digital
15 Media Specialist.

16 We will be taking questions and comments
17 from the public today. For those meeting -- for
18 those members of the public in the meeting room
19 today, please make sure that you complete a
20 speaker card if you would like to speak. Speaker
21 cards are located on a table at the entrance, and
22 should be given to Karla Kindrick when completed.

23 For those joining us via Zoom, if you

1 would like to speak, please use the raised hand
2 or chat feature. To access the raised hand and
3 chat feature, at the bottom of your screen, in
4 the middle of that menu there is a chat icon
5 which you can click on to show the chat dialogue.
6 You should also see the raised hand option.
7 Please utilize the raised hand option or chat
8 features if you have any questions or comments.

9 For those joining us by phone, you can
10 raise your hand by pressing 9, and when called
11 upon, you can unmute by pressing 6 [sic].

12 For everyone in today's meeting, please
13 identify yourself when speaking. If any members
14 of the media have joined us via Zoom, please
15 utilize the chat feature or e-mail
16 media@idem.indiana.gov [sic] if you have any
17 questions. This meeting is being recorded and
18 will be posted on IDEM's Web site.

19 And with that, I'll turn the meeting back
20 over to Beverly Gard.

21 CHAIRMAN GARD: Okay. Thank you so
22 much.

23 Our first order of business today is

1 approval of the summary of the March 8th, 2022 --
2 that's not right -- 2023 Board meeting. Are
3 there any additions or corrections to the summary
4 as presented?

5 (No response.)

6 CHAIRMAN GARD: If so, I need a
7 motion to approve.

8 DR. ALEXANDROVICH: So moved.

9 DR. NIEMIEC: Second.

10 CHAIRMAN GARD: Is there a second?

11 DR. NIEMIEC: Second. This is Ted
12 Niemiec.

13 CHAIRMAN GARD: This is a voice vote.
14 All in favor, say aye.

15 MR. HORN: Aye.

16 MS. NELSON: Aye.

17 DR. ALEXANDROVICH: Aye.

18 MR. ETZLER: Aye.

19 MR. RULON: Aye.

20 MR. SMITH: Aye.

21 DR. NIEMIEC: Aye.

22 MS. KOZYRSKI: Aye.

23 MR. DAVIDSON: Aye.

1 CHAIRMAN GARD: Aye.

2 Any opposed, nay.

3 (No response.)

4 CHAIRMAN GARD: The summary is
5 approved as drafted.

6 Commissioner, your report, please.

7 COMM. ROCKENSUESS: Thank you,
8 Chairman Gard, members of the Board. Thank you
9 for being here today.

10 Since March there's been quite a bit of
11 stuff going on. First, I want to report on
12 staffing. We've been -- all state government has
13 been focused on staffing up since the Governor's
14 compensation study was completed in October. In
15 January, we were at 769 employees, which was a
16 little bit up from October, which was right
17 around 750.

18 Today we're sitting at 801, so we have
19 seen growth in our different programs, which is
20 great. We have seen multiple applications for a
21 position that we post, and those -- the people
22 that we find are good quality candidates, and so,
23 that's been a huge improvement as well.

1 comment card and give it to Karla Kindrick at the
2 sign-in table.

3 The rules being considered at today's
4 meeting were included in Board packets and are
5 available for public inspection at the office of
6 Legal Counsel, 13th Floor, Indiana Government
7 Center North. The entire Board packet is also
8 available on IDEM's Web site at least one week
9 prior to each Board meeting.

10 A written transcript of today's meeting
11 will be made. The legal transcript and any
12 written submissions will be open for public
13 inspection at the Office of Legal Counsel. A
14 copy of the transcript will be posted on the
15 "Rules" page of the agency Web site when it
16 becomes available.

17 Will the official reporter for the cause
18 please stand and raise your right hand and state
19 your name?

20 (Reporter sworn.)

21 CHAIRMAN GARD: Thank you.

22 Moving on, this is a public hearing before
23 the Environmental Rules Board of the State of

1 Indiana concerning adoption of 326 IAC 1-1-3 and
2 326 IAC 20-1-1, Title 326 CFR Update.

3 I will now introduce Exhibit A, the draft
4 rule, into the record of the hearing.

5 Keelyn Walsh will present the rule.

6 MS. WALSH: Good afternoon, members
7 of the Board. I'm Keelyn Walsh, and I'm here to
8 present LSA No. 23-29, references to the Code of
9 Federal Regulations, for your consideration.

10 The reference to the Code of Federal
11 Regulations at 326 IAC 1-1-3 indicates the yearly
12 addition of the CFR that is applicable to Federal
13 Regulations that have being incorporated by
14 reference throughout 326 IAC, unless a different
15 edition is specified in the rule. The latest
16 version of the CFR contained in 326 IAC 1-1-3 is
17 July 1st, 2018. Since that date, several new
18 federal regulations have been promulgated that
19 are not reflected in the current version of
20 326 IAC.

21 Some of these regulations include the
22 national emission standard for hazardous air
23 pollutants for the Portland Cement Manufacturing

1 Industry, emissions monitoring provisions in
2 State implementation plans required under the
3 Nitrogen Oxides SIP Call, Standards for
4 Performance of New Residential Wood Heaters, New
5 Residential Hydronic Heaters, and Forced-Air
6 Furnaces, and Reclassification of Major Sources
7 as Area Sources under Section 112 of the Clean
8 Air Act.

9 This rulemaking will incorporate citations
10 by reference from Titles 29 and 40 of the CFR
11 into 326 IAC. But updating the reference date to
12 July 1st, 2022, 326 IAC will be consistent with
13 those regulations that the Federal Government
14 promulgated between July 1st, 2018 and June 30th,
15 2022. This rule will also amend 326 IAC 20-1-1
16 to incorporate by reference 40 CFR 63 Subpart C.

17 This rule was most recently amended on
18 January 5th, 2022 with the addition of
19 1-bromopropane to the Clean Air Act
20 Section 112(b), the list of hazardous air
21 pollutants. Previously, deletion of pollutants
22 were the only changes made to the HAP list in
23 Subpart C, but the January final rule contains

1 the first addition to the HAP list of
2 1-bromopropane. Therefore, it's necessary to
3 incorporate that list into the state rules to
4 ensure that permits are accurately issued and
5 that state rules are consistent with federal
6 standards.

7 IDEM requests that the Board final adopt
8 this rule as presented, and myself and program
9 staff are available to answer any further
10 questions that you have.

11 Thanks.

12 CHAIRMAN GARD: Are there any
13 questions for Keelyn on the rule?

14 (No response.)

15 CHAIRMAN GARD: Okay. Thank you,
16 Keelyn.

17 MS. WALSH: Uh-huh.

18 CHAIRMAN GARD: Are there any speaker
19 cards?

20 MS. KINDRICK: No, ma'am.

21 CHAIRMAN GARD: Okay. Thank you.

22 Are there -- is there anyone that's on
23 remotely that cares to address the rule, the

1 proposed rule?

2 (No response.)

3 CHAIRMAN GARD: Okay. The hearing is
4 concluded. The Board will now consider final
5 adoption of 326 IAC 1-1-3 and 326 IAC 20-1-1,
6 Title 326 CFR Update.

7 Is there any Board discussion?

8 (No response.)

9 CHAIRMAN GARD: Is there a motion to
10 be made to final adopt the rule as presented?

11 MS. NELSON: So moved.

12 MR. RULON: Ken Rulon, so moved.

13 MS. NELSON: Seconded, Katie Nelson.

14 CHAIRMAN GARD: Okay. I'll call the
15 roll.

16 Dr. Niemiec?

17 DR. NIEMIEC: Yes.

18 CHAIRMAN GARD: Dr. Alexandrovich?

19 DR. ALEXANDROVICH: Yes.

20 CHAIRMAN GARD: Mr. Schuler?

21 MR. SCHULER: Yes.

22 CHAIRMAN GARD: Mr. Smith?

23 MR. SMITH: Yes.

1 CHAIRMAN GARD: Mr. Rulon?

2 MR. RULON: Yes.

3 CHAIRMAN GARD: Ms. Nelson?

4 MS. NELSON: Yes.

5 CHAIRMAN GARD: Mr. Davidson?

6 MR. DAVIDSON: Yes.

7 CHAIRMAN GARD: Mr. Etzler?

8 MR. ETZLER: Yes.

9 CHAIRMAN GARD: Ms. Kozyrski?

10 MS. KOZYRSKI: Yes.

11 CHAIRMAN GARD: And the Chair votes
12 aye. That's ten yeses and zero nays. The rule
13 has been final adopted.

14 This is a preliminary hearing before
15 the Environmental Rules Board of the State of
16 Indiana concerning preliminary adoption of
17 326 IAC 2-1.1-7, Title V Permitting Fees.

18 I will now introduce Exhibit B, the draft
19 rule, into the record of the hearing.

20 Seth Engdahl will present the rule.

21 MR. ENGDAHL: Members of the Board,
22 good afternoon. My name is Seth Engdahl, and I
23 am a rule writer in the Rules Development Section

1 managing the process at the Statehouse this year,
2 and I think somebody should say "Thank you" once
3 in a while, so I think they deserve that.

4 I trust that if there's an enforcement
5 issue, that they will jump on that. They're
6 pretty good at that, so I just wanted to thank
7 them for an excellent job working with the
8 legislature this year. Very well done.

9 COMM. ROCKENSUESS: Thanks, Ken.

10 CHAIRMAN GARD: I think you're
11 exactly right, Ken. I'm very proud of this
12 staff, and I'm particularly proud of the
13 Commissioner. You all may not know that he was
14 my Legislative Assistant for a number of years,
15 and so, I feel like I've kind of grown up with
16 him. So -- but I'm particularly pleased with his
17 direction of the agency.

18 Is there -- are there any other closing
19 comments from any Board Members?

20 (No response.)

21 CHAIRMAN GARD: Well, if not, the
22 next meeting is tentatively set for August
23 the 9th, 2023 at 1:30 in Conference Room A, and

1 we may or may not provide Zoom. That will be
2 determined, and we'll let you all know about
3 that.

4 So, is there a motion to adjourn?

5 DR. NIEMIEC: So moved.

6 CHAIRMAN GARD: Is there a second?

7 MS. NELSON: Second, Katie Nelson.

8 CHAIRMAN GARD: All in favor, say
9 aye.

10 MR. HORN: Aye.

11 MS. NELSON: Aye.

12 DR. ALEXANDROVICH: Aye.

13 MR. ETZLER: Aye.

14 MR. RULON: Aye.

15 MR. SMITH: Aye.

16 DR. NIEMIEC: Aye.

17 MS. KOZYRSKI: Aye.

18 MR. DAVIDSON: Aye.

19 MR. SCHULER: Aye.

20 CHAIRMAN GARD: Aye.

21 Opposed, nay.

22 (No response.)

23 CHAIRMAN GARD: So, you all enjoy the

1 few months of the summer. This is kind of a
2 great one. At least we had some rain.

3 COMM. ROCKENSUESS: Yeah.

4 - - -
5 Thereupon, the proceedings of
6 June 14, 2023 were concluded
7 at 2:50 o'clock p.m.
8 - - -

9

10

11

12

13

14

15

16

17

18

19

20

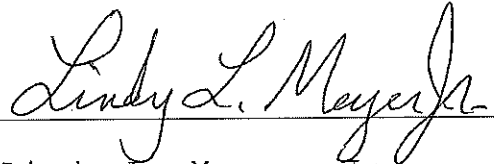
21

22

23

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, June 14, 2023 in this matter and
8 transcribed by me.

9 

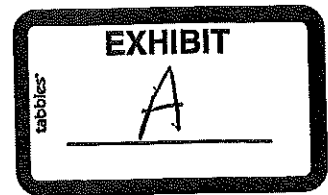
10
11 Lindy L. Meyer, Jr.,

12 Notary Public in and

13 for the State of Indiana.

14
15 My Commission expires August 26, 2024.

16 Commission No. NP0690003
17
18
19
20
21
22
23



Bold = new language

~~Strikeout~~ = existing language deleted in this rulemaking

TITLE 326 AIR POLLUTION CONTROL DIVISION

RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION

LSA Document #23-29

DIGEST

Amends 326 IAC 1-1-3 to update the Code of Federal Regulations (CFR) to the July 1, 2022, edition, and amends 326 IAC 20-1-1 to incorporate by reference 40 CFR 63, Subpart C, into the state's emission standards for hazardous air pollutants. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029FDA).

Notice of First Hearing: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029PHA).

Change in Notice of Public Hearing: April 19, 2023, Indiana Register (DIN: 20230419-IR-326230029CHA).

Date of First Hearing: June 14, 2023

326 IAC 1-1-3

326 IAC 20-1-1

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 4-22-2-21; IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-22-9-5; IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (~~CFR~~) means the July 1, 2018; 2022, edition. (*Air Pollution Control Division; 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; filed Mar 28, 2012, 12:51 p.m.: 20120425-IR-326110472FRA; filed Aug 1, 2014, 10:53 a.m.: 20140827-IR-326130501FRA; filed Nov 7, 2016, 3:35 p.m.: 20161207-IR-326160208FRA; filed Mar 5, 2020, 2:08 p.m.: 20200401-IR-326190382FRA*)

SECTION 2. 326 IAC 20-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-1-1 Incorporation of federal regulations

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. The air pollution control board incorporates by reference following federal regulations are incorporated by reference:

(1) 40 CFR 63, Subpart A*, concerning general provisions for emission standards for hazardous air pollutants.

(2) 40 CFR 63, Subpart C*, concerning the list of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

*These documents are incorporated by reference. Copies ~~section~~ may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ www.gpo.gov, or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Fifth Floor~~, 100 North Senate Avenue, **Thirteenth Floor**, Indianapolis, Indiana IN 46204. (*Air Pollution Control Division; 326 IAC 20-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089*)

INCORPORATION BY REFERENCE
LSA Document #23-29(F)
References to the Code of Federal Regulations (CFR)

1. Code of Federal Regulations:

40 CFR 63, Subpart C

Information for the Code of Federal Regulations is available at:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>