

Document: IC 13-14-9 Notice, **Register Page Number:** 25 IR 555

Source: November 1, 2001, Indiana Register, Volume 25, Number 2

Disclaimer: This document was created from the files used to produce the official (printed) Indiana Register.
However, this document is unofficial.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD #99-177(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING FLUORIDE EMISSION LIMITATIONS FOR EXISTING PRIMARY ALUMINUM PLANTS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for repeal of rule 326 IAC 11-5. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: September 1, 1999, Indiana Register (22 IR 3997).

CITATIONS AFFECTED: 326 IAC 11-5.

AUTHORITY: IC 13-14-1-3; IC 13-14-8; IC 13-17-3.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

IDEM is proposing to repeal 326 IAC 11-5 concerning fluoride emission limitations for existing primary aluminum reduction plants. Aluminum Company of America (ALCOA), located in Warrick County, is the only source affected by this repeal. The state rule was developed for existing sources after U.S. EPA promulgated a new source performance standard (NSPS) for primary aluminum reduction plants for new sources.

On June 3, 1998, the Air Pollution Control Board final adopted a new rule, 326 IAC 20-24, that incorporated by reference the national emission standard for hazardous air pollutants (NESHAP) for primary aluminum reduction plants. The only source to which this rule applies is ALCOA. This rule became effective on November 8, 1998.

ALCOA requested that IDEM repeal the state rule under 326 IAC 11-5. The request is based on the fact that both rules only apply to the ALCOA plant, compliance with the emission limitations under 326 IAC 20-24 will require better control of emissions with a more stringent emission limit, and the repeal of 326 IAC 11-5 would remove costly sampling requirements that are not required under 326 IAC 20-24. However, 326 IAC 20-24 does require emissions sampling at the primary control, the scrubber, and at the roof monitor in order to demonstrate compliance. The difference in sampling requirements is specifically due to the difference in the way fluoride emissions are required to be measured by the two rules. Removing sampling requirements specific to 326 IAC 11-5 will not result in less stringency since ALCOA must comply with the more stringent requirements of 326 IAC 20-24.

The requirements of 326 IAC 11-5 include compliance with a collection efficiency of ninety percent (90%) and a control efficiency of ninety-five percent (95%). ALCOA is required under 326 IAC 20-24 to maintain a collection efficiency of ninety-eight and five-tenths percent (98.5%) and a control efficiency of ninety-nine and two-tenths percent (99.2%). In addition, 326 IAC 20-24 includes a limit on the emissions of total fluorides and requires ALCOA to limit total fluoride emissions to one and nine-tenths (1.9) pounds of total fluoride per ton of aluminum produced in order to meet the requirements of 326 IAC 20-24.

IDEM believes it is appropriate to repeal 326 IAC 11-5 because it has now been superseded by 326 IAC 20-24 and repeal will eliminate potentially duplicative or inconsistent sampling requirements with no less environmental protection.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from September 1, 1999 through September 30, 1999 on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

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. Mailed comments should be addressed to:

#99-177(APCB) Primary aluminum

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality

Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0430.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by December 3, 2001

Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 234-1377 or (800) 451-6027, press 0, and ask for 4-1377 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 11-5 IS REPEALED.

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 6, 2002 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on repeal of 326 IAC 11-5.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed repeal. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 234-1377 or (800) 451-6027, press 0, and ask for 4-1377 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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 North Senate Avenue
P.O. Box 6015*

Indianapolis, Indiana 46206-6015

or call (317) 233-1785. TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.

*Janet G. McCabe
Assistant Commissioner
Office of Air Quality*