

TITLE 326 AIR POLLUTION CONTROL BOARD

**FIRST NOTICE OF COMMENT PERIOD
#02-54(APCB)**

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING CONTROL OF NITROGEN OXIDES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to the following nitrogen oxides rules, 326 IAC 10-3, nitrogen oxide reduction program for specific source categories and 326 IAC 10-4, nitrogen oxides budget trading program. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 10-3; 326 IAC 10-4.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

On September 24, 1998, U.S. EPA issued a rule (NO_x SIP Call) that required twenty-two (22) states in the Eastern U.S., including Indiana, to individually reduce their emissions of nitrogen oxides (NO_x). The federal rule required electric utility boilers, large industrial boilers, cement kilns, and stationary internal combustion engines to reduce NO_x emissions significantly by 2007. The federal rule also reduced the transport of ozone and ozone causing pollutants that occurred in this multi-state region.

In response to U.S. EPA's NO_x SIP Call, the Air Pollution Control Board (board) final adopted NO_x rules on June 6, 2001, that became effective on September 16, 2001. The rules were submitted and approved by U.S. EPA as an amendment to the Indiana state implementation plan (SIP) on November 8, 2001 (66 FR 56465).

During the second public hearing, representatives from Ispat Inland Incorporated and Lonestar Industries requested amendments to the rule being considered for final adoption. The first requested change concerned certain industrial boilers regulated under 326 IAC 10-3 that would become subject to the NO_x trading program. The second requested change concerned documents incorporated by reference that affect the cement industry. IDEM will consider these requested changes in this new rulemaking as well as other changes that have been brought to our attention including:

- (1) changing a compliance date for electric generating units (EGUs) to May 31, 2004, to harmonize the compliance dates for the Section 126 rule and the NO_x SIP call, as agreed to by U.S. EPA in a memorandum titled "Deadlines for Electric Generating Units (EGUs) and Non-Electric Generating Units (non-EGUs) under the Section 126 Rule";
- (2) the possible addition of sources that may meet the applicability, but were not included in the current rule, such as Purdue University, West Lafayette, Indiana; and
- (3) clarification of minor wording errors, as well as other technical changes to the existing rule that may be warranted.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as appropriate.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments, whether mailed, hand delivered, or faxed, should be addressed as follows:

#02-54(APCB) (NO_x Corrections)
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) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by April 1, 2002.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027, press 0, and ask for extension 2-8229 (in Indiana). Technical information may be obtained from Roger Letterman, Compliance Branch, Office of Air Quality, (317) 232-8342 or (800) 451-6027, press 0, and ask for extension 2-8342 (in Indiana).

TITLE 326 AIR POLLUTION CONTROL BOARD

**FIRST NOTICE OF COMMENT PERIOD
#02-55(APCB)**

DEVELOPMENT OF NEW TO RULES CONCERNING HAZARDOUS AIR POLLUTANT EMISSIONS FROM BOAT MANUFACTURING

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules concerning emissions of hazardous air pollutants (HAPs) such as styrene, methyl methacrylate, methylene chloride, toluene, xylene, n-hexane, methyl ethyl ketone, methyl isobutyl ketone, and 1,1,1-trichloroethane from boat manufac-

turing. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 20-48.

AUTHORITY: IC 13-15-2-1; IC 13-17-3-4.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

On August 22, 2001, U. S. EPA issued a final national emission standard for hazardous air pollutants (NESHAP) (66 FR 44217) to reduce hazardous air pollutants (HAPs) from boat manufacturing. The processes regulated include: fiberglass resin and gel coat operations, carpet and fabric adhesive operations, and aluminum recreational boat painting operations. The NESHAP regulates organic HAPs from major sources that manufacture aluminum recreational boats, such as noncommercial and nonmilitary aluminum boats, and all types of fiberglass boats. Operations subject to the NESHAP include: open molding, closed molding, equipment cleaning, resin and gel coat mixing operations, carpet and fabric adhesive operations, surface coating, and spray gun cleaning and wipedown solvent operations. Typically these manufacturing facilities are designated as Standard Industrial Classification (SIC) codes 3732, and 3731 or the North American Industry Classification System (NAICS) code 336612. In Indiana, less than ten (10) businesses are subject to the federal rule. Existing sources subject to the regulation are required to comply by August 23, 2004, and new and reconstructed sources will be required to comply at initial startup.

The NESHAP will implement Section 112(d) of the Clean Air Act by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The national emission standard will reduce emissions of HAPs such as styrene, methyl methacrylate (MMA), methylene chloride, toluene, xylene, n-hexane, methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), and 1,1,1-trichloroethane. The effects of exposure to any hazardous substance depends on the dose, the duration, how the exposure occurs, personal traits and habits, and whether other chemicals are present.

Boat manufacturers can demonstrate compliance with the NESHAP emission limits by:

- (1) averaging emissions with the MACT model point value equations;
- (2) complying with equivalent material HAP content limits for each type of open molding operations; or
- (3) using an add-on control device.

In addition, the state rule, 326 IAC 20-25, Emissions from Reinforced Plastics Composites Fabricating Emissions Units, applies to open molding using resin and gel coat applications at boat manufacturers. The state rule contains provisions that may conflict with or duplicate the requirements of the NESHAP. IDEM seeks comment specifically on ways to address the provisions applicable to boat manufacturers in 326 IAC 20-25 in this rulemaking.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments, whether mailed, hand delivered, or faxed, should be addressed as follows:

#02-55(APCB) Boat MACT
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) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by April 1, 2002.

Additional information regarding this action may be obtained from Jean Beauchamp, Rules Development Section, Office of Air Quality, (317) 232-8424 or (800) 451-6027, press 0, and ask for 2-8424 (in Indiana).