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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#03-264(APCB)

DEVELOPMENT OF NEW RULE 326 IAC 20-56 AND AMENDMENTS TO 326 IAC 20-25 CONCERNING INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM REINFORCED PLASTIC COMPOSITES PRODUCTION

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rule 326 IAC 20-56 and amendments to rule 326 IAC 20-25 concerning the incorporation of national emission standards for hazardous air pollutants for reinforced plastic composites production. 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 20-25; 326 IAC 20-56.

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On April 21, 2003, U.S. EPA issued a final national emission standard for hazardous air pollutants (NESHAP) (68 FR 19375) to reduce styrene, methyl methacrylate, and methylene chloride emissions from reinforced plastic composites production. The NESHAP will implement Section 112(d) of the Clean Air Act by requiring all major sources to meet hazardous air pollutant (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). The NESHAP regulates production and ancillary processes used to manufacture products with thermoset resins and gel coats that contain styrene. Operations subject to the NESHAP include: open molding, closed molding, centrifugal casting, continuous lamination, continuous casting, polymer casting, pultrusion, sheet molding compound manufacturing, bulk molding compound manufacturing, mixing, cleaning of equipment used in reinforced plastic composites manufacture, HAP-containing materials storage, and some repair operations. Existing sources subject to the regulation are required to comply by April 21, 2006, and new sources are required to comply upon startup. New sources are sources that commenced construction after August 2, 2001, at a site where there were no existing reinforced plastic composite operations.

Typically these manufacturing sources are designated by the North American Industry Classification System (NAICS) code 325, 326, 335, and 336. In Indiana, it is estimated that there will be over one hundred (100) sources subject to the federal rule. This estimate is based on the number of sources already subject to the state rule, 326 IAC 20-25, Emissions from Reinforced Plastics Composites Fabricating Emissions Units, a subset of sources subject to the NESHAP. In Indiana most of these sources are concentrated in Elkhart County. To reduce the health impact of styrene emissions in this area, IDEM did a rulemaking to regulate the emissions from these sources in advance of the NESHAP (326 IAC 20-25).

The state rule, 326 IAC 20-25, applies to open molding using resin and gel coat applications at sources manufacturing reinforced plastic composite parts or products. The state rule contains provisions that may conflict with or duplicate the requirements of the NESHAP. Although most of the requirements of the NESHAP duplicate requirements of the state rule, some parts of the state rule are more stringent than the NESHAP requirements. For instance, operator training requirements are not included in the NESHAP. IDEM seeks comments on ways to incorporate the national emission standard for hazardous air pollutants from reinforced plastic composites production.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Do not adopt the NESHAP. Under this alternative, IDEM would rely on Part 70 Permit program approval to implement and enforce these standards and not a state rule. However, under federal law IDEM is required to adopt standards no less stringent than the NESHAP. Any conflicts or duplication of requirements between the

NESHAP and the existing state rule would not be resolved and sources would be subject to both the current state reinforced plastic composites production rule (326 IAC 20-25) and the NESHAP (68 FR 19375).

Alternative 2. Amend 326 IAC 20-25 and add 326 IAC 20-56. Under this alternative, IDEM would incorporate by reference the NESHAP (68 FR 19375) at 326 IAC 20-56 and amend 326 IAC 20-25 as necessary to address conflicts or duplicative requirements. Requirements under 326 IAC 20-25 may be moved to 326 IAC 20-56.

Alternative 3. Straight Incorporation by Reference. Under this alternative, any conflicts or duplication of requirements would not be resolved and sources would be subject to both the current state reinforced plastic composites production rule (326 IAC 20-25) and the NESHAP (68 FR 19375).

Applicable Federal Law

The intent of this rule is to add the requirements of the NESHAP (68 FR 19375) for reinforced plastic composites production to 326 IAC 20-56.

Potential Fiscal Impact

Since the NESHAP is a federal requirement, this rulemaking should not result in additional cost to regulated sources beyond the costs associated with the federal rule. If the rules are amended, as stated in Alternative 2, there may be some cost savings due to reduced record keeping as sources will not have to show compliance with duplicative requirements.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Susan Bem, Rules Section, Office of Air Quality at (317) 233-5697 or (800) 451-6021 (in Indiana) extension 3-5697.

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.

Mailed comments should be addressed to:

#03-264(APCB) Reinforced Plastic Composites MACT

Susan Bem

c/o Rules Section Administrative Assistant

Rules Section

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 IDEM receptionist on duty at the 10th floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

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 Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 31, 2003.

Additional information regarding this action may be obtained from Susan Bem, Rules Section, Office of Air Quality,

(317) 233-5697 or (800) 451-6027 (in Indiana) extension 3-5697.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality