Document: IC 13-14-9 Notice, **Register Page Number:** 27 IR 1304

Source: January 1, 2004, Indiana Register, Volume 27, Number 4

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TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND 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) has developed draft rule language for a new rule, 326 IAC 20-56, concerning the incorporation of national emission standards for hazardous air pollutants from reinforced plastic composites production and amendments to 326 IAC 20-25, concerning emissions from reinforced plastic composites fabricating emission units. 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: October 1, 2003, Indiana Register (27 IR 292).

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, which is a subset of sources subject to the NESHAP. In Indiana many of these sources are concentrated in Elkhart County. To reduce the health impact of styrene emissions in Elkhart County, the Indiana Air Pollution Control Board adopted a rule in 2000 (326 IAC 20-25) to regulate the emissions from these sources prior to U.S. EPA's promulgation of the NESHAP.

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. Most of the requirements of the federal NESHAP duplicate requirements of the state rule for reinforced plastic composites. Some differences are in specific HAP emission standards, work practice standards, and operator training. In most cases, the federal rule is more stringent than the state rule, such as HAP limits for application of tooling gel coat. The federal rule applies to more than just open molding operations; it also covers closed molding, casting, continuous lamination, pultrusion, and sheet or bulk molding compound operations. The state rule is more stringent for other requirements, such as HAP limits for open molding application of production unfilled resins and work practice standards for nonatomizing spray equipment

and operator training requirements. The emission standard for open molding application of production unfilled resins is more stringent in the state rule because the federal NESHAP does not have separate categories for unfilled and filled resins.

IDEM has considered how to address the overlapping requirements of these two rules in a way that simplifies compliance but assures an overall level of environmental protection consistent with the elements of both rules. Many of the sources subject to this rule are located in Elkhart County, an area of the state that is likely to be designated nonattainment for the 8-hour ozone standard. Elkhart County is ranked in the top ten for amount of releases in the Toxics Release Inventory. Emission reductions achieved through this rule will reduce the impacts on public health, improve air quality, and will contribute towards attainment for the area. IDEM proposes the following approach:

- all requirements for reinforced plastic composites production will be contained in a single rule: 326 IAC 20-56;
- conditions of the state rule that are more stringent than the federal NESHAP will continue to apply to these sources;
- those sources currently subject to 326 IAC 20-25 will be exempt from 326 IAC 20-25 after the compliance date of the federal NESHAP; and
- conditions of the state rule that are also addressed in the federal NESHAP, such as appropriate emission factors, will not be retained in the state rule, 326 IAC 20-25.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

The rule retains elements of the current state rule that are more protective, but does not add any new requirements other than those contained in the federal rule. Promulgation of a state rule provides the state with the ability to enforce the federal NESHAP and provides the regulated community with the state adjudicatory system as a review forum.

Potential Fiscal Impact

The potential fiscal impact of the amendments and incorporation of the federal NESHAP will not exceed \$500,000. 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. U.S. EPA has estimated that the nationwide cost to comply with NESHAP is \$21.5 million. However, many sources in Indiana are already in compliance with the provisions of the NESHAP due to their compliance with the state styrene rule.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group 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) 451-6027 (in Indiana), extension 3-5697.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from October 1, 2003, through October 31, 2003, 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:

#03-264(APCB) Reinforced Plastics 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 receptionist on duty at the Tenth floor reception desk, Office of Air Quality, 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 February 2, 2004.

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.

DRAFT RULE

SECTION 1. 326 IAC 20-25-1, AS AMENDED AT 26 IR 2607, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-25-1 Applicability

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 1. (a) This rule applies to owners or operators of sources that emit or have the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs, and that meet all of the following criteria:

- (1) Manufacture reinforced plastics composites parts, products, or watercraft.
- (2) Have an emission unit where resins and gel coats that contain styrene are applied and cured using the open molding process.
- (3) Have actual emissions of styrene equal to or greater than three (3) tons per year.
- (b) Except as provided in section 3(d) of this rule, in the event there is a conflict between this rule and any existing federal or state statute or federal or state rule, the more stringent requirement shall apply.
- (c) If a source is subject to 326 IAC 20-48 concerning emission standards for hazardous air pollutants for boat manufacturing, the source is exempt from this rule after the following compliance dates for 326 IAC 20-48:
 - (1) August 23, 2004, for an existing source that is a major source on or before August 22, 2001.
 - (2) One (1) year after becoming a major source for an existing or new nonmajor source.
 - (3) Upon startup for a new major source.
- (d) If a source is subject to 326 IAC 20-56 concerning emission standards for hazardous air pollutants from reinforced plastic composites production, the source is exempt from this rule after the following compliance dates for 326 IAC 20-56:
 - (1) April 21, 2006, for a major source that was existing on or before August 2, 2001.
 - (2) Immediately upon becoming a major source for an area source or April 21, 2006, whichever is later.
 - (3) Upon startup for a major source that commenced construction after August 2, 2001.

(Air Pollution Control Board; 326 IAC 20-25-1; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2406; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2607)

SECTION 2. 326 IAC 20-25-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-25-2 Definitions

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 2. The following definitions apply throughout this rule:

- (1) "Air-assisted airless spray technology" means a coating application system in which:
 - (A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and
 - (B) air is combined at the spray cap of the gun.
- (2) "Airless spray technology" means a coating application system in which:
 - (A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and
 - (B) air is not added to the gun.
- (3) "Base coat gel coat" means an interior gel coat, used in boat building, to protect the laminate.
- (4) "Class I flame and smoke products" means the following:
- (A) For products meeting a building code, products that meet any one (1) of the following Flame Spread and Smoke Intensity numbers as tested by American Society for Testing and Materials (ASTM) E84-99**:
 - (i) Interior; flame spread less than twenty-five (25) and smoke intensity less than four hundred fifty (450).
 - (ii) Exterior; flame spread less than twenty-five (25).
 - (iii) Duct; flame spread less than twenty-five (25) and smoke intensity less than fifty (50).
- (B) For products designed for mass transit application, products that meet all of the following:
- (i) Flame spread measured by ASTM E162-98** less than thirty-five (35).

- (ii) Smoke intensity by ASTM E662-97** less than one and five-tenths (1.5) at one and five-tenths (1.5) minutes and less than two hundred (200) at four (4) minutes.
- (5) "Clear gel coat" means a gel coat that contains no pigments.
- (6) "Compression molding" means the use of a prepared compound, such as sheet molding compound (SMC), composed of resin and fiberglass fibers and a large hydraulic press to produce fiber reinforced plastic parts.
- (7) "Controlled spray" means a work practice standard that reduces emissions by increasing material transfer and reducing overspray. The following are elements of controlled spraying which that work together to reduce emissions:
 - (A) Operation of the spray gun at the lowest fluid tip pressure, which produces an acceptable spray pattern.
 - (B) Operator training that teaches proper spray gun handling techniques.
 - (C) The use of close containment mold flanges to minimize overspray off the mold.
- (8) "Cured resin or gel coat" means resin or gel coat that has changed irreversibly from a liquid to a solid.
- (9) "Delivered to the applicator" means a resin or gel coat actually applied to an open mold, excluding any inert filler, fiberglass mat, or fiberglass roving.
- (10) "Existing sources" means sources or emission units for which the owner or operator has received all necessary construction or reconstruction permits prior to June 28, 1998, as set forth in 326 IAC 2-4.1-1.
- (11) (10) "Filament winding" means the application of resin to strands of glass using a resin bath or other applicator and then winding the wet glass onto the mold or part.
- (12) (11) "Filled resin" means a resin containing inert filler material equal to or greater than thirty-five percent (35%) by weight. (13) (12) "Gel coat" means a thermosetting resin, either pigmented or clear, that contains styrene (CAS No. 100-42-5) and provides a cosmetic enhancement or protects the underlying layers of a plastic composites material. Gel coat does not include thermoplastic material, such as polyethylene or thermosetting coatings, that do not contain styrene, such as epoxies.
- (14) (13) "HAP monomer content" means the percent, by weight, of monomer that has been classified as a hazardous air pollutant (HAP) contained in a resin or gel coat, as delivered to the applicator, and excluding any inert filler, fiberglass mat, or fiberglass roving.
- (15) (14) "High-volume, low-pressure air atomized spray technology" means a coating application system that is operated at an air pressure of less than ten (10) pounds per square inch gauge (psig) at the air cap of the spray gun.
- (16) (15) "Inert filler" means any non-HAP material, such as silica micro-spheres or micro-balloons, added to a resin or gel coat to alter density of the resin or gel coat or change other physical properties of the resin or gel coat. The term does not include pigments.
- (17) (16) "Manual application" means hand application using bucket and paint brush or paint roller, or other hand held methods of application.
- (18) (17) "Mold" means a hollow form or matrix for shaping a liquid or plastic substance.
- (19) (18) "New sources" means those sources or emission units that must comply with 326 IAC 2-4.1-1.
- (20) (19) "Nonatomized application equipment" means the devices where resin or gel coat material does any of the following:
 - (A) Flows from the applicator, in a steady state in a observable coherent flow, without droplets, for a minimum distance of three
- (3) inches from the applicator orifices, such as flow coaters, flow choppers, and fluid impingement equipment.
- (B) Is mechanically dispensed within or on to a paint roller applicator, such as pressure fed rollers.
- (C) Is deposited on fiber reinforcement moving through a resin or gel coat bath, such as resin impregnators.
- (21) (20) "Noncorrosion resistant resin" means a resin that does not meet the criteria of corrosion resistant resin in the specialty product resins definition.
- (22) (21) "Open molding process" means the application of resin or gel coat to an open mold by any method.
- (23) (22) "Pigmented gel coat" means a gel coat that contains a coloring substance.
- (24) (23) "Pressure fed roller" means a fabric roller that is fed a continuous supply of catalyzed resin from a mechanical fluid pump.
- (25) (24) "Production gel coat" means a gel coat that is used to manufacture parts, products, or watercraft and does not include patch repair or touch-up activities.
- (26) (25) "Production resin" means any thermosetting resin that is used to manufacture parts, products, or watercraft and does not include patch repair or touch-up activities.
- (27) (26) "Resin" means any thermosetting resin that contains styrene (CAS No. 100-42-5) or methyl methacrylate (CAS No. 80-62-6), or both, and is used to manufacture parts, products, or watercraft. Resin does not include gel coat, tooling gel coat, thermoplastic resin (for example, rotationally molded polyethylene), or thermosetting resin that does not contain styrene or methyl methacrylate (for example, epoxies).
- (28) (27) "Shrinkage controlled resin" means resin that relies on a balance of solution thermodynamics that permits three (3) phases (thermosetting polymer, styreneated thermoplastic, and styrene monomer) and produces less than or equal to one and five-

tenths percent (1.5%) linear shrinkage when tested in neat (unfilled, nonreinforced) form by ASTM D2566-86**. (29) (28) "Specialty product resins" includes the following resins:

- (A) Corrosion resistant resin is used to produce a product that meets any of the following criteria:
 - (i) Will be exposed to any of the following:
 - (AA) Materials with a pH equal to or greater than twelve (12.0) pH units or equal to or less than three (3.0) pH units.
 - (BB) Oxidizing agents.
 - (CC) Reducing agents.
 - (DD) Organic solvents.
 - (EE) Fuels or fuel additives as defined in 40 CFR 79.2*.
 - (ii) Complies with industry standards that require specific exposure testing for corrosive media.
 - (iii) Is manufactured to an accepted federal and industry standard for corrosion resistant, potable water contact or food contact applications.
- (iv) Is manufactured specifically for an application that requires increased chemical inertness or resistance to chemical attack.
- (B) High strength resin exhibiting a tensile strength of ten thousand (10,000) or more pounds per square inch when tested according to ASTM D638-98**.
- (C) Resin used to meet military specifications.
- (D) Skin coat resin, a thin protective layer of resin, used in watercraft production or other products, applied between the gel coat and laminate that provides corrosion resistance and prevents osmotic blistering.
- (30) (29) "Tooling gel coat" means the gel coat used in the construction of molds or prototypes (plugs).
- (31) (30) "Tooling resin" means the resin used in the construction of molds or prototypes (plugs).
- (32) (31) "Vacuum bagging" means a partially closed molding technology where, after resin has been applied, a flexible cover is placed over the wet surface, sealed, and a vacuum pump is used to draw the air out from under the cover and press the cover down onto the part.
- (33) "Vapor suppressed resin" is a polyester resin material that contains additives to reduce volatile organic compound (VOC) evaporation loss to less than sixty (60) grams per square meter of surface area as determined and certified by resin manufacturers. (34) (33) "Watercraft" means any motorized or nonmotorized device in which or by means of which a person may be transported upon the water, excluding seaplanes.
- *This document is incorporated by reference. Copies of the Code of Federal Regulations referenced in this article may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20204 or are available for review and copying from at the Indiana Department of Environmental Management, Office of Air Management, Department of Environmental Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana or may be obtained from the Government Printing Office, Washington, D. C. 20204. 46204.
- **This document is incorporated by reference. Copies of American Society for Testing Materials methods are available for review and copying from at the Indiana Department of Environmental Management, Office of Air Management, Department of Environmental Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; or the public library. 46204. (Air Pollution Control Board; 326 IAC 20-25-2; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2407)

SECTION 3. 326 IAC 20-56 IS ADDED TO READ AS FOLLOWS:

Rule 56. Reinforced Plastic Composites Production

326 IAC 20-56-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-12-3-1; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5785 (68 FR 19402, April 21, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North

Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-56-1)

326 IAC 20-56-2 Additional organic hazardous air pollutant emissions limits for open molding sources

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-12-3-1; IC 13-17

Sec. 2. In addition to the organic hazardous air pollutant (HAP) emissions limits for existing open molding sources and new open molding sources emitting less than one hundred (100) tons per year of HAP contained in Table 3 to 40 CFR 63,

Subpart WWWW (68 FR 19402, April 21, 2003)*, the following emission limits apply:

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Operation type	And this application method	Organic HAP emissions	Highest organic HAP content for a compliant resin ²
Open molding - noncorrosion-resistant or high strength, or both (CR/HS) and unfilled ³	Mechanical Resin Application		35 percent with nonatomized application
Open molding - low-flame spread/low-smoke products	Mechanical Resin Application		60 percent with nonatomized application

¹ Organic HAP emissions limits for open molding are expressed as lb/ton. The source must be at or below these values based on a 12-month rolling average.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-56-2)

326 IAC 20-56-3 Work practice standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-12-3-1; IC 13-17

Sec. 3. In addition to the work practice standards in Table 4 to 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, open molding operations using mechanical, nonatomized applicators shall not operate nonatomizing spray equipment at pressures that atomize the material during the application process.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-56-3)

326 IAC 20-56-4 Operator training

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-12-3-1; IC 13-17

Sec. 4. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly according to the following schedule:

(1) All personnel hired shall be trained within fifteen (15) days of hiring.

² A compliant resin means that, if its organic HAP content is used to calculate an organic HAP emissions factor, the factor calculated does not exceed the appropriate organic HAP emissions limit shown in the table.

³ See the definition of unfilled resin at 40 CFR 63.5935 (68 FR 19402, April 21, 2003)*.

- (2) To ensure training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (3) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.
- (b) The lesson plans shall cover, for the initial and refresher training, at a minimum, all of the following topics:
- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.
- (c) The owner or operator shall maintain the following training records on site and available for inspection and review:
- (1) A copy of the current training program.
- (2) A list of all current personnel, by name, that are required to be trained, the dates they were trained, and the date of the most recent refresher training.
- (d) Records of prior training programs and former personnel are not required to be maintained. (Air Pollution Control Board; 326 IAC 20-56-4)

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 April 13, 2004, 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 new rule 326 IAC 20-56 and amendments to 326 IAC 20-25.

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 new rules and amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. 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.

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) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM 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, Indianapolis, Indiana, and are open for public inspection.