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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **FIRST NOTICE OF COMMENT PERIOD** #05-229(APCB)

## **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING VOLATILE ORGANIC COMPOUND SURFACE COATING EMISSION LIMITATIONS AND ORGANIC SOLVENT DEGREASING OPERATIONS**

### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 326 IAC 8-2 and 326 IAC 8-3 concerning volatile organic compound (VOC) emission limitations. 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 8-2; 326 IAC 8-3.

**AUTHORITY:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

#### **Basic Purpose and Background**

IDEM has begun an effort to clarify and reorganize 326 IAC 8 to remove redundancies, simplify the language, and improve the structure of the rule. Removing these interpretive barriers will aid both IDEM and businesses to ensure compliance. However, before a reorganization of 326 IAC 8 is undertaken, IDEM will be conducting several smaller rulemakings. The purpose of these smaller rulemakings is to cleanup and clarify the intent of IDEM's original language in specific rules and sections.

This rulemaking is a cleanup of 326 IAC 8-2 and 326 IAC 8-3 and will not alter any VOC standards or compliance requirements. As a cleanup, this rulemaking will focus on removing references to outdated information, correct any general mistakes in the rule language, and remove redundant language. Within 326 IAC 8-2, there are six significant changes:

- 326 IAC 8-2-9(b)(10) exempts casket manufacturers from 326 IAC 8-2-9 if they are in or 'adjacent to' a county designated as nonattainment for ozone. There are ambiguities in the rule's meaning of 'adjacent to'. IDEM has interpreted 'adjacent to' as a reference only to a full county.
- The application of adhesives or preparation of adhesives, lubricants used to prevent sticking of internally moving parts, maintenance coatings of production equipment, and chromium plated plastics was exempted from 326 IAC 8-2-9 at 326 IAC 8-2-9(b)(6)-(9). However, this exemption expired on July 1, 1991, so 326 IAC 8-2-9(b)(6)-(9) will be removed from the rule.
- The 3.5 lb/gal limit in 326 IAC 8-2-4 expired on December 31, 1985 and will be removed from the rule.
- References to 326 IAC 8-2-13, which was repealed on April 1, 1996, will be removed.
- In 326 IAC 8-2-12, high volume low pressure application systems will be added to the list of approved application systems.
- References to the Office of Air Management will be revised to 'Office of Air Quality'.

The largest proposed changes in 326 IAC 8-3 are consolidations of sections in which redundant information exists. 326 IAC 8-3-2 will be consolidated with 326 IAC 8-3-5. 326 IAC 8-3-3 will be consolidated with 326 IAC 8-3-6, and 326 IAC 8-3-4 will be consolidated with 326 IAC 8-3-7.

#### **Alternatives To Be Considered Within the Rulemaking**

Complete this rulemaking.

##### **Alternative 1.**

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? N/A
- If it is different, describe the difference. N/A

##### **Alternative 2.**

Do not complete this rulemaking.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.

- If it is a federal requirement, is it different from federal law? N/A
- If it is different, describe the difference. N/A

**Applicable Federal Law**

This rule is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana’s State Implementation Plan (SIP) for VOC. Indiana will send these rules to U.S. EPA to be approved as part of Indiana’s SIP so federal law coincides with state law. This rule should be approved by U.S. EPA because the proposed changes will not allow any increase in emissions.

**Potential Fiscal Impact**

There is no fiscal impact associated with this rulemaking.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program 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 the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf  
 IDEM Compliance and Technical Assistance Program  
 OPPTA - MC60-04  
 100 N. Senate Avenue  
 W-041  
 Indianapolis, IN 46204-2251  
 317-232-8578  
[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen  
 IDEM Small Business Assistance Program Ombudsman  
 External Affairs - MC50-01  
 100 N. Senate Avenue  
 IGCN 1301  
 Indianapolis, IN 46204-2251  
 317-234-3386  
[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

**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 appropriate, please contact Patricia Troth, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6021 (in Indiana).

**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:

#05-229(APCB) 8-2/8-3 Cleanup  
 Patricia Troth, Mail Code 61-50

c/o Rules Section Administrative Assistant  
Rules Section  
Office of Air Quality  
Indiana Department of Environmental Management  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth 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 3, 2005.

Additional information regarding this action may be obtained from Patricia Troth, Rules Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

Kathryn Watson  
Branch Chief  
Office of Air Quality