

**Document:** IC 13-14-9 Notice, **Register Page Number:** 28 IR 3682  
**Source:** September 1, 2005, Indiana Register, Volume 28, Number 12

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

### **FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #05-236(APCB)**

#### **DEVELOPMENT OF NEW RULE CONCERNING NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM STEEL PICKLING HYDROCHLORIC ACID PROCESS SOURCES AND HYDROCHLORIC ACID REGENERATION PLANTS**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule concerning national emission standards for hazardous air pollutants for steel pickling hydrochloric acid process sources and hydrochloric acid regeneration plants. IDEM has scheduled a public hearing before the air pollution control board (board) for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 20-29.

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

##### **STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule;  
and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

##### **BACKGROUND**

The 1990 Amendments to the Clean Air Act (CAA) require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of hazardous air pollutants (HAPs). A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that has the potential to emit, considering controls, ten (10) tons

per year or more of any single hazardous air pollutant or twenty-five (25) tons per year or more of any combination of HAPs. U.S. EPA lists HAPs because they are either known or suspected to cause cancer or other serious health effects.

There are currently one hundred eighty-eight (188) HAPs listed in Section 112(b) of the CAA. On July 16, 1992 (57 FR 311576), U.S. EPA published a list of industrial groups or source categories that emit one (1) or more of the one hundred eighty-eight (188) listed HAPs. The CAA requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants (NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control technology (MACT) for the listed source categories. The “MACT floor” is the minimum control level allowed for NESHAPs and ensures that the standard is set at a level that assures that all existing major sources achieve the level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source.

On June 22, 1999, U.S. EPA issued a final rule (64 FR 33202) to reduce emissions of air toxics from steel pickling lines, acid regeneration plants, and storage tanks containing virgin or regenerated hydrochloric acid. Pickling is a process in which an acid solution is used to chemically remove oxide scale, or rust, that is formed on steel surfaces during hot rolling or hot forming, and occurs prior to shaping or coating of the finished steel product. The NESHAP is not applicable to facilities that pickle only speciality steels, such as stainless steel, nor to facilities that pickle carbon steel without using hydrochloric acid.

The steel pickling NESHAP reduces emission of two toxic air pollutants, hydrochloric acid and chlorine. Both have been identified by U.S. EPA as hazardous air pollutants (HAPs) under the CAA. Hydrochloric acid (HCl) can be characterized as a colorless aqueous solution or gas with a pungent odor. Chlorine is a greenish yellow gas with a suffocating odor. Chronic exposure to hydrochloric acid has been reported to cause gastritis, bronchitis, dermatitis, and photosensitization. Chlorine is a potent irritant to the eyes, the upper respiratory tract, and lungs. Acute exposure to high levels of chlorine may result in chest pain, vomiting, toxic pneumonitis, and pulmonary edema. The effects of exposure of a hazardous substance depends on the dose, the duration, how the exposure occurs, personal traits and habits, and whether other chemicals are present.

HCl is emitted from processing tanks used in continuous and batch pickling lines, acid regeneration plants, and pickling storage vessels. Chlorine is emitted from acid regeneration processes that reconstitute HCl pickling solution from spent pickle liquor.

For existing steel-pickling facilities, gas emissions must not contain HCl in a concentration exceeding eighteen (18) parts per million by volume (ppmv) or must be collected with control devices that have a collection efficiency of at least ninety-seven percent (97%). For new steel-pickling facilities, limits are separated by pickling line type. New continuous pickling lines are subject to a six (6) ppmv limit or a minimum collection efficiency of ninety-nine percent (99%). New batch pickling lines are subject to a eighteen (18) ppmv or a minimum collection efficiency of ninety-seven percent (97%).

For existing hydrochloric-acid regeneration plants, HCl emissions must not exceed a concentration of twenty-five (25) ppmv, and chlorine can not exceed six (6) ppmv. For new hydrochloric-acid regeneration plants, HCl emissions must not exceed twelve (12) ppmv, and chlorine can not exceed six (6) ppmv.

The NESHAP includes recordkeeping and reporting requirements, including those found in the general NESHAP provisions. Owners and operators must keep records on maintenance actions; process equipment startups, shutdowns, and malfunctions and actions taken during these times; air pollution control equipment malfunctions; scrubber operation parameters; and regeneration plant operation parameters.

During the promulgation of the steel pickling NESHAP, U.S. EPA estimated that there were one hundred three (103) pickling plants currently operating in twenty (20) states. Since the NESHAP was promulgated, sources in Indiana have consolidated, reorganized, or closed. At this time, Indiana has ten (10) sources that are subject to the NESHAP.

This new rulemaking is a direct incorporation by reference of the federal rule.

#### **IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that have a substantive effect on the scope or application of the federal rule.

#### **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

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

## **FINDINGS**

The commissioner of IDEM has prepared written findings regarding rulemaking on the incorporation by reference of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for hazardous air pollutants from steel pickling hydrochloric acid process sources and hydrochloric acid regeneration plants. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) The draft rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law and state law to adopt NESHAPs or adopt rules that are as stringent as the federal regulations.
- (3) The citizens and regulated community of Indiana will benefit from prompt adoption of this rule because the state will have the legal authority to enforce this NESHAP.
- (4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (5) The draft rule is hereby incorporated into these findings.

Thomas W. Easterly  
Commissioner  
Indiana Department of Environmental Management

## **ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Gayl Killough, Rules Section, Office of Air Quality (317) 233-8628 or (800) 451-6027 (in Indiana).

## **DRAFT RULE**

SECTION 1. 326 IAC 20-29 IS ADDED TO READ AS FOLLOWS:

### **Rule 29. Hydrochloric Acid Steel Pickling and Regeneration Plants**

#### **326 IAC 20-29-1 Applicability; incorporation by reference of federal standards**

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

**Affected:** IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1155\*.**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CCC\*.**

**\*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, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-29-1)**

***Notice of First Meeting/Hearing***

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on October 5, 2005 at 2:00 p.m, at the Pike County Court House, Auditorium, 801 Main Street, Petersburg, Indiana, the Air Pollution Control Board will hold a public hearing on new rule 326 IAC 20-29.*

*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 rule. 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 Gayl Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).*

*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*

*Indianapolis, Indiana 46204*

*or call (317) 233-0855 or (317) 232-6565 (TDD). 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 East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*