

Document: IC 13-14-9 Notice, **Register Page Number:** 29 IR 1013

Source: December 1, 2005, Indiana Register, Volume 29, Number 3

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #05-165(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING VOLATILE ORGANIC COMPOUNDS IN ORGANIC SOLVENT DEGREASERS IN CENTRAL INDIANA

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 8-3 concerning volatile organic compounds in organic solvent degreasers in Central Indiana. 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: July 1, 2005, Indiana Register (28 IR 3054).

CITATIONS AFFECTED: 326 IAC 8-3-1; 326 IAC 8-3-8.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

In the April 30, 2004, Federal Register (69 FR 23858), the United States Environmental Protection Agency (U.S. EPA) designated nine (9) counties in the central Indiana region as nonattainment for the 8-hour ozone National Ambient Air Quality Standard (8-hour standard). A nonattainment designation means that ozone levels, measured by air monitors, have exceeded federal health standards on at least some days during the summer ozone season in recent years. The affected counties are: Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby. Indiana must put control measures into place in order to bring these counties into attainment by June 15, 2009.

Ozone is not emitted directly into the air, but is created by a chemical reaction between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of heat and sunlight. The pollutants that form ozone, NO_x and VOC, are emitted from a number of sources including motor vehicle exhaust, industrial emissions, gasoline vapors, commercial and residential fuel burning and solvent use.

A nonattainment designation triggers planning requirements for existing sources of air pollution, stricter requirements for certain types of new and expanding facilities that emit air pollution, certain changes in transportation planning and funding and, potentially, additional clean air measures. Indiana must develop a plan detailing the steps necessary to comply with the standard by the attainment date. Preliminary technical analyses indicate that new national and regional controls, including a NO_x control rule for power plants, new motor vehicle and diesel engine standards, and new gasoline and diesel fuel standards, may bring Central Indiana into attainment of the standard, but additional reasonable controls will help to ensure compliance by 2009.

IDEM is working with local government, businesses, and citizens and other interested groups to develop a strategy that will achieve attainment in Central Indiana with feasible and cost-effective programs. IDEM established the Central Indiana Air Quality Advisory Group (CIAQAG) in September 2003 to study alternatives for inclusion in the Central Indiana state implementation plan (SIP). CIAQAG's preliminary recommendations for control measures presented at the September 30, 2005 meeting may be viewed at www.in.gov/idem/air/ciaqag. One of the regulatory measures recommended, and the subject of this rulemaking, is VOC controls on degreasing operations at commercial and industrial sources. It is estimated that implementation of degreasing requirements in Central Indiana will provide a two and seven-tenths percent (2.7%) total annualized reduction of VOCs or a reduction of six (6) tons per summer day. Sources in Clark, Floyd, Lake, and Porter Counties have been subject to these requirements since 1999.

Control measures need to be implemented in advance in order to collect data necessary to demonstrate attainment in Central Indiana by June 15, 2009. Allowing a phase-in compliance schedule for sources to obtain the necessary solvents, IDEM is proposing an effective date of April 1, 2007. IDEM seeks comments from potentially affected sources in the nine (9) county region regarding

the timing of implementation of this rule and other control measures to demonstrate attainment in Central Indiana by June 15, 2009.

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

None of the elements of the draft rule are specifically imposed by federal law. However, the draft rule represents an appropriate alternative to help meet the federal law requirement of attainment in central Indiana. The materials IDEM relied on in the development of the draft rule are available to the public for public inspection at the Office of Air Quality.

Potential Fiscal Impact

Economic impacts will be based on costs of providing and purchasing compliant solvents. In 1998, other states adopting similar rules estimated cost efficiencies at \$238 to \$779 per ton of VOC reduced. Many of the affected sources are currently not required to report these emissions to IDEM and, therefore, IDEM does not have any indication how many sources will be affected in the 9-county Central Indiana area. IDEM specifically solicits comment on the potential fiscal impact of the draft rule language proposed in this rulemaking.

Public Participation and Work Group Information

The Central Indiana Air Quality Advisory Group (CIAQAG) was established in September 2003, to study alternatives for reducing ozone in Central Indiana to demonstrate attainment. This group is comprised of business, government officials, and citizens and has met to hear presentations, discuss regulatory and voluntary alternatives to reduce ozone, and make recommendations on alternatives appropriate in Central Indiana. These meetings are open to the public. Additional information may be found at <http://www.in.gov/idem/air/ciaqag/>.

At this time, no additional workgroup is planned for this rulemaking, but the department is planning outreach efforts to affected sources during the course of the rulemaking and plans to provide compliance assistance. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 1, 2005, through August 1, 2005, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Vacumet Corp. (VC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The total amount of degreaser solvents this facility uses annually is about 30 gallons or 200 pounds. We estimate a decrease of 0.02 lbs/hour of fugitive emissions with these proposed amendments. We perceive there will be a cost increase estimated at more than \$100 per year. Unless there is a much larger amount of degreaser use in the nine (9) county region available for changing over to non-VOC degreasers, the amount would be much less than VOC emissions from driving a new vehicle on an average daily work commute.

We recommend the amendments be tempered with an offset such as banked emissions or some similar credit or incentive; monetary or non-monetary. In addition, a transition time of six (6) months to one (1) year after adoption will be needed to allow for an orderly change from one (1) degreaser to another. All permit holders in the nine-county region should be notified of the change by mail. IDEM's Rule Development Section needs to conduct an assessment of the total amount of VOC's that will be removed with the adoption of the proposed amendments. We believe that if the estimated amounts of decreased emissions are similar to what we have calculated, this rule change might be perceived as singling out small sources, thereby creating a credibility issue. (VC)

Response: Costs of solvents should be offset with less solvent usage because there will be a lower rate of evaporation. U.S. EPA requires permanent, enforceable reductions of ozone precursors in nonattainment areas, so no offsets are possible. IDEM is proposing an April 1, 2007, compliance date. The rule should be effective by mid-summer 2006, allowing greater than six (6) months compliance time. IDEM has, and will continue to, conduct outreach mailings to degreasing operations and solvent suppliers concerning the recommended rule amendments. Additional outreach and education will be provided by the solvent suppliers once the rule is effective. IDEM has estimated that implementation of the degreasing requirements in Central Indiana will provide a reduction of six (6) tons per summer day or two and seven-tenths percent (2.7%) total annualized reduction.

State and federal air quality plans and regulations have addressed the significant sources of air pollution in the central Indiana area. States are now looking further into the emission inventory to identify other categories where emissions reductions can be achieved cost effectively. IDEM is developing a low Reid Vapor Pressure rule to reduce VOCs from automobiles. Degreasing operations are a significant source of VOC emissions relative to industrial and other area sources. The CIAQAG has recommended that IDEM proceed with this rulemaking.

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:

#05-165(APCB) Central Indiana VOC

Suzanne Whitmer Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

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 Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by January 3, 2006.

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 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-3-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-3-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-17-3

Sec. 1. (a) Sections 2 through 4 of this rule apply to the following:

(1) Existing facilities as of January 1, 1980, performing organic solvent degreasing operations located in:

- (A) Clark County;
- (B) Elkhart County;
- (C) Floyd County;
- (D) Lake County;
- (E) Marion County;
- (F) Porter County; and
- (G) St. Joseph Counties County;

and which are located at sources which have potential emissions of ninety and seven-tenths (90.7) megagrams (one hundred (100) tons) or greater per year of VOC.

(2) New facilities after January 1, 1980, performing organic solvent degreasing operations located anywhere in the state.

(b) Sections 5 through 7 of this rule apply to the following:

(1) The following facilities performing organic solvent degreasing operations located in Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph counties existing as of July 1, 1990:

- (A) Cold cleaner degreasers without remote solvent reservoirs.
- (B) Open top vapor degreasers with an air to solvent interface of one (1) square meter (ten and eight-tenths (10.8) square feet) or greater.
- (C) ConveyORIZED degreasers with an air to solvent interface of two (2) square meters (twenty-one and six-tenths (21.6) square feet) or greater.

These facilities shall attain compliance with this rule no later than July 1, 1991.

(2) Any new facility, construction of which commences after July 1, 1990, of the types described in subdivision (1) located in any county.

(c) Section 8 of this rule applies to any person who sells, offers for sale, uses, or manufactures solvent for use in cold cleaning degreasers in the following counties:

(1) Effective May 27, 1999, the effective date of this subdivision, the following:

- (+) (A) Clark County.
- (-) (B) Floyd County.

⊖ (C) Lake County.

⊕ (D) Porter County.

(2) Effective April 1, 2007, the following:

(A) Boone County.

(B) Hamilton County.

(C) Hancock County.

(D) Hendricks County.

(E) Johnson County.

(F) Madison County.

(G) Marion County.

(H) Morgan County.

(I) Shelby County.

(Air Pollution Control Board; 326 IAC 8-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2537; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1679; filed Apr 27, 1999, 9:06 a.m.: 22 IR 2854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 2. 326 IAC 8-3-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-3-8 Material and record keeping requirements for cold cleaning degreasers

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-17-3

Sec. 8. (a) This section applies to the users, providers, and manufacturers of solvents for use in cold cleaning degreasers in:

(1) Clark County;

(2) Floyd County;

(3) Lake ~~and~~ County;

(4) Porter ~~Counties~~, County;

(5) Boone County;

(6) Hamilton County;

(7) Hancock County;

(8) Hendricks County;

(9) Johnson County;

(10) Madison County;

(11) Marion County;

(12) Morgan County; and

(13) Shelby County;

except for solvents intended to be used to clean electronic components.

(b) As used in this section, “electronic components” means all components of an electronic assembly, including, but not limited to, the following:

(1) Circuit board assemblies.

(2) Printed wire assemblies.

(3) Printed circuit boards.

(4) Soldered joints.

(5) Ground wires.

(6) Bus bars.

(7) Any other associated electronic component manufacturing equipment.

(c) Material requirements are phased in as follows:

(1) On and after November 1, 1999, no person in **Clark, Floyd, Lake, and Porter counties** shall do the following:

(A) Cause or allow the sale of solvents for use in cold cleaning degreasing operations with a vapor pressure that exceeds two

(2) millimeters of mercury (thirty-eight thousandths (0.038) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive days to an individual or business.

(B) Operate a cold cleaning degreaser with a solvent vapor pressure that exceeds two (2) millimeters of mercury (thirty-eight thousandths (0.038) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(2) On and after May 1, 2001, no person in **Clark, Floyd, Lake, and Porter counties** shall do the following:
(A) Cause or allow the sale of solvents for use in cold cleaning degreasing operations with a vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive days to an individual or business.

(B) Operate a cold cleaning degreaser with a solvent vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(3) On and after April 1, 2007, no person in **Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby counties** shall do the following:

(1) Cause or allow the sale of solvents for use in cold cleaning degreasing operations with a vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive days to an individual or business.

(2) Operate a cold cleaning degreaser with a solvent vapor pressure that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(d) On and after November 1, 1999, in **Clark, Floyd, Lake, and Porter counties** and on and after April 1, 2007, in **Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby counties**, the following record keeping requirements shall be followed:

(1) All persons subject to the requirements of subsection ~~(c)(1)(A)~~ and ~~(c)(2)(A)~~ (c) shall maintain all of the following records for each sale:

(A) The name and address of the solvent purchaser.

(B) The date of sale.

(C) The type of solvent.

(D) The volume of each unit of solvent sold.

(E) The total volume of the solvent.

(F) The true vapor pressure of the solvent measured in millimeters of mercury at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(2) All persons subject to the requirements of subsection (c)(1)(B) and (c)(2)(B) shall maintain each of the following records for each purchase:

(A) The name and address of the solvent supplier.

(B) The date of purchase.

(C) The type of solvent.

(D) The volume of each unit of solvent.

(E) The total volume of the solvent.

(F) The true vapor pressure of the solvent measured in millimeters of mercury at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).

(e) All records required by subsection ~~(d)~~ (e) shall be:

(1) retained on-site for the most recent three (3) year period; and ~~shall be~~

(2) reasonably accessible for an additional two (2) year period.

(Air Pollution Control Board; 326 IAC 8-3-8; filed Apr 27, 1999, 9:06 a.m.: 22 IR 2854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

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 March 1, 2006, at 1:00 p.m., the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 8-3-1 and 326 IAC 8-3-8.

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 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 Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 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.