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**TITLE 326 AIR POLLUTION CONTROL BOARD**

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**FIRST NOTICE OF COMMENT PERIOD**

LSA Document #07-352

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING VOLATILE ORGANIC COMPOUNDS IN ORGANIC SOLVENT DEGREASERS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to [326 IAC 8-3](#) concerning organic solvent degreasers in Indiana. 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 8-3-1](#); [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 U.S. EPA designated the following 23 counties: Allen, Boone, Clark, Delaware, Dubois, Elkhart, Floyd, Greene, Hamilton, Hancock, Jackson, Johnson, Lake, LaPorte, Madison, Marion, Morgan, Porter, Shelby, St. Joseph, Vanderburgh, Vigo, Warrick, and Lawrenceburg Township in Dearborn County as nonattainment for the eight-hour ozone National Ambient Air Quality Standard (8-hour ozone standard), which is designed to protect human health and the environment. Since that time, all monitoring locations in Indiana have met the 8-hour ozone standard and IDEM is working with the U.S. EPA to have the 23 counties redesignated to attainment. The Cincinnati, Ohio metropolitan area has not yet attained the 8-hour standard and IDEM has prepared a state implementation plan (SIP) revision for Lawrenceburg Township which addresses its contribution to Cincinnati's ozone nonattainment.

While all monitored portions of Indiana have attained the current 8-hour ozone standard, it is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include: the narrow margin between Indiana's current air quality and the current standard, the fact that the U.S. EPA is in the process of reevaluating the 8-hour ozone standard and will likely lower it, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

Indiana has been working with other states on a suite of measures to be considered by each of these states to reduce our mutual contribution to ozone formation in the upper Midwest and the eastern United States. These measures include regulation of volatile organic compounds (VOC) from: automotive refinishing; architectural and industrial maintenance coatings; consumer and commercial products; organic solvent degreasers (the subject of this notice); and stage I vapor recovery from gasoline dispensing facilities. In general, these proposed regulations would expand regulations that already exist in parts of Indiana to all counties state-wide and other states to cover all similar emissions from each of the participating states. The potential benefits of this coordinated action include improved Indiana and regional air quality that may prevent future nonattainment designations if the U.S. EPA tightens the ozone standard, an improved margin of safety between current Indiana air quality and the current standard, and the reduced likelihood of the need to impose more costly emission reduction measures in the future.

Solvent cleaning operations are an integral part of many industries and involve the use of solvents or solvent vapor to remove water-insoluble contaminants such as grease, oils, waxes, carbon deposits, fluxes, and tars from metal, plastic, glass, and other surfaces. Solvent cleaning is usually performed prior to painting, plating, inspection, repair, assembly, heat treating, and machining. It is used in the manufacture of fabricated metal products, industrial and commercial machinery, computer equipment, electronic equipment, transportation equipment, furniture and fixtures, and various other products. With cold cleaning, one of four types of degreasing operations, the part is dipped into or sprayed with a solvent. Sources that commonly have cold cleaning degreasers include auto body shops, auto repair shops, and industrial sources.

Emissions of VOCs occur as a result of evaporation from storage and handling of fresh and spent solvents: (1) evaporation as the solvent is splashed or sprayed, (2) evaporation from the cleaned surfaces, (3) evaporation from solvent-soaked rags or cleaning tools, and (4) fugitive emissions from flushing or spray systems. All solvent not recycled or sent to waste disposal is eventually emitted into the atmosphere. A vapor pressure limit of 1 millimeter of mercury has been established in [326 IAC 8-3-8](#), to limit the amount of VOC emissions from solvents used for cold cleaning. Additionally, there are record keeping requirements.

**Alternatives To Be Considered Within the Rulemaking**

Alternative 1. Amend existing applicability provisions for degreasers under [326 IAC 8-3-1](#) and [326 IAC 8-3-8](#) to add all counties in Indiana.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No, it is not an incorporation by reference of a federal standard.
- Is this alternative imposed by federal law or is there a comparable federal law? No, this alternative is not imposed by federal law, but the U.S. EPA gives Indiana the flexibility to select appropriate alternatives in order to meet the requirements of the federal law in a timely manner. This alternative controls volatile organic compounds as defined at 40 CFR 50. Extending the applicability of existing degreasing rules that are already approved into the SIP is one such method of reducing VOC emissions.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

#### **Applicable Federal Law**

40 CFR 50 (National Primary and Secondary Ambient Air Quality Standards) and 40 CFR 81 (Designation of Areas for Air Quality Planning Purposes) are both applicable federal laws impacting this rulemaking. 40 CFR 50 (amended on July 18, 1997 (62 FR 38856)) contains the standards for criteria pollutants. Ozone is a criteria pollutant and air pollution controls reduce emissions of volatile organic compounds (VOC) to reduce ozone formation. 40 CFR 81 (amended on April 30, 2004 (69 FR 23858)) lists the areas of the United States, specific to each state that the U.S. EPA considers are not attaining the standards (nonattainment) for criteria pollutants such as ozone. Seven counties in Indiana have been redesignated to attainment-maintenance for the 8-hour ozone standard since the nonattainment designations were listed in the April 30, 2004, Federal Register.

#### **Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. No estimate of fiscal impact is available for statewide applicability. A previous rulemaking in 1998 that added the material requirements for cold cleaning degreasers at [326 IAC 8-3-8](#) for four counties estimated a low fiscal impact. That rulemaking action would have been more costly to suppliers because the required solvents were not readily available in this state. This rule action proposes to extend the applicability of the material requirements for cold cleaning degreasers at [326 IAC 8-3-8](#) to all counties in the state. Users, providers, and manufacturers of solvents used in cold cleaning degreasers, except for solvents used to clean electronic components, will be subject to material and record keeping requirements. It is not known what additional costs the sources will incur; however, it is known that compliant solvents are currently available statewide. No capital costs for equipment are anticipated.

#### **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:

Christina Lowry  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 North Senate Avenue  
IGCS W-041  
Indianapolis, IN 46204-2251  
(317) 234-1191  
[clowry@idem.in.gov](mailto:clowry@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Megan Tretter  
IDEM Small Business Assistance Program Ombudsman  
MC50-01-IGCN 1307  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[mtretter@idem.in.gov](mailto:mtretter@idem.in.gov)

#### **Public Participation and Workgroup Information**

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 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).

#### **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:

#07-352(APCB) VOC-Degreasers  
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 IDEM receptionist on duty at the Tenth Floor-East Wing 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 July 27, 2007.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Patricia Troth, Chief  
Rules Development Section  
Office of Air Quality

*Posted: 06/27/2007 by Legislative Services Agency*

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