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

### **Proposed Rule** LSA Document #03-284

#### **DIGEST**

Adds 326 IAC 20-57 concerning pharmaceuticals production; 326 IAC 20-58 concerning amino and phenolic resins; 326 IAC 20-59 concerning polyether polyols productions; 326 IAC 20-60 concerning solvent extraction for vegetable oil production; 326 IAC 20-61 concerning semiconductor manufacturing; 326 IAC 20-62 concerning refractory products manufacturing; and 326 IAC 20-70 concerning secondary aluminum. Effective 30 days after filing with the secretary of state.

#### **HISTORY**

IC 13-14-9-7 and Second Notice of Comment Period and Notice of First Public Hearing: November 1, 2003, Indiana Register (27 IR 576).

Date of First Hearing: January 7, 2004.

#### **PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

Because this proposed rule is not substantively different from the draft rule published on November 1, 2003, at 27 IR 576, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 2003, through December 1, 2003, on IDEM's draft rule language. IDEM received comments from the following parties:

Eli Lilly (EL)

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

*Comment:* The last edition of the Code of Federal Regulations incorporated by reference into state rules is dated July 1, 2000. There have been several significant changes made to the pharmaceutical NESHAP since that date. Please include the Federal Register citation for the pharmaceutical NESHAP to ensure that the most recent changes are incorporated into state rules.

*Response:* The Federal Register citations for the pharmaceutical NESHAP has been added to the draft rule that will presented to the board for consideration for preliminary adoption. If the 2002 CFR annual update rule (LSA#02-337) is promulgated prior to final adoption of this NESHAP, the federal register references will be deleted since it will be redundant.

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On January 7, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-57 concerning pharmaceuticals production; 326 IAC 20-58 concerning amino and phenolic resins; 326 IAC 20-59 concerning polyether polyols productions; 326 IAC 20-60 concerning solvent extraction for vegetable oil production; 326 IAC 20-61 concerning semiconductor manufacturing; 326 IAC 20-62 concerning refractory products manufacturing; and 326 IAC 20-70 concerning secondary aluminum.

No comments were made at the first hearing.

<b>326 IAC 20-57</b>	<b>326 IAC 20-61</b>
<b>326 IAC 20-58</b>	<b>326 IAC 20-62</b>
<b>326 IAC 20-59</b>	<b>326 IAC 20-70</b>
<b>326 IAC 20-60</b>	

SECTION 1. 326 IAC 20-57 IS ADDED TO READ AS FOLLOWS:

#### **Rule 57. Pharmaceuticals Production**

**326 IAC 20-57-1 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 63.1250 (63 FR 50326, September 21, 1998; 65 FR 52596, August 29, 2000; 66 FR 40131, August 2, 2001)\*.

**(b)** The air pollution control board incorporates by reference 40 CFR 63, Subpart GGG (63 FR 50326, September 21, 1998, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing; 65 FR 52596, August 29, 2000, Amendments; 66 FR 40130, August 2, 2001, Corrections and Amendments)\*.

\*These documents are 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 20-57-1*)

SECTION 2. 326 IAC 20-58 IS ADDED TO READ AS FOLLOWS:

**Rule 58. Amino and Phenolic Resins**

**326 IAC 20-58-1 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 63.1400\*.

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

\*These documents are 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 20-58-1*)

SECTION 3. 326 IAC 20-59 IS ADDED TO READ AS FOLLOWS:

**Rule 59. Polyether Polyols Production**

**326 IAC 20-59-1 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 63.1420\*.

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

\*These documents are 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 20-59-1*)

SECTION 4. 326 IAC 20-60 IS ADDED TO READ AS FOLLOWS:

**Rule 60. Solvent Extraction for Vegetable Oil Production**

**326 IAC 20-60-1 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 63.2832\*.

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

\*These documents are 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 20-60-1*)

SECTION 5. 326 IAC 20-61 IS ADDED TO READ AS FOLLOWS:

**Rule 61. Semiconductor Manufacturing**

**326 IAC 20-61-1 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 63.7181\* (68 FR 27925, May 22, 2003).

**(b)** The air pollution control board incorporates by reference 40 CFR 63, Subpart BBBBB\*, (68 FR 27925, May 22, 2003, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing).

\*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 20-61-1*)

SECTION 6. 326 IAC 20-62 IS ADDED TO READ AS FOLLOWS:

**Rule 62. Refractory Products Manufacturing**

**326 IAC 20-62-1 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 63.9782\* (68 FR 18747, April 16, 2003).

**(b)** The air pollution control board incorporates by reference 40 CFR 63, Subpart SSSSS\*, (68 FR 18747, April 16, 2003, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing).

\*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 20-62-1*)

SECTION 7. 326 IAC 20-70 IS ADDED TO READ AS FOLLOWS:

**Rule 70. Secondary Aluminum**

**326 IAC 20-70-1 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 63.1500\* (67 FR 79815, December 30, 2002).

**(b)** The air pollution control board incorporates by reference 40 CFR 63, Subpart RRR\*, (67 FR 79815, December 30, 2002, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum).

\*These documents are 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 20-70-1*)

### ***Notice of Public 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 proposed new rules 326 IAC 20-57, 326 IAC 20-58, 326 IAC 20-59, 326 IAC 20-60, 326 IAC 20-61, 326 IAC 20-62, and 326 IAC 20-70.*

*The purpose of this hearing is to receive comments from the public prior to final 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. 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, Rule Development 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*

*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 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.*

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality