

Document: Proposed Rule, **Register Page Number:** 27 IR 3168

Source: July 1, 2004, Indiana Register, Volume 27, Number 10

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TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule LSA Document #04-107

DIGEST

Adds 326 IAC 20-71 through 326 IAC 20-79 to incorporate by reference the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asphalt processing and asphalt roofing manufacturing; brick and structural clay products manufacturing; clay ceramics manufacturing; coke ovens: pushing, quenching, and battery stacks; engine test cells/stands; hydrochloric acid production; printing, coating, and dyeing of fabrics and other textiles; surface coating of metal furniture; and surface coating of wood building products. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: May 1, 2004, Indiana Register (27 IR 2587).

Date of First Hearing: June 2, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on May 1, 2004, at 27 IR 2587, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On June 2, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-71, 326 IAC 20-72, 326 IAC 20-73, 326 IAC 20-74, 326 IAC 20-75, 326 IAC 20-76, 326 IAC 20-77, 326 IAC 20-78, 326 IAC 20-79. No comments were made at the first hearing.

326 IAC 20-71	326 IAC 20-76
326 IAC 20-72	326 IAC 20-77
326 IAC 20-73	326 IAC 20-78
326 IAC 20-74	326 IAC 20-79
326 IAC 20-75	

SECTION 1. 326 IAC 20-71 IS ADDED TO READ AS FOLLOWS:

Rule 71. Asphalt Processing and Asphalt Roofing

326 IAC 20-71-1 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 63.8681* (68 FR 24578, May 7, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart LLLLLL* (67 FR 24578, May 7, 2003, National Emission Standards for Hazardous Air Pollutants for Asphalt Roofing And Processing).

***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 20-71-1*)

SECTION 2. 326 IAC 20-72 IS ADDED TO READ AS FOLLOWS:

Rule 72. Brick and Structural Clay Products

326 IAC 20-72-1 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 63.8385 (68 FR 26722, May 16, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJJJJ (68 FR 26722, May 16, 2003, National Emission Standards for Brick and Structural Clay Products)*.

*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 20-72-1*)

SECTION 3. 326 IAC 20-73 IS ADDED TO READ AS FOLLOWS:

Rule 73. Clay Ceramics Manufacturing

326 IAC 20-73-1 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 63.8535*(68 FR 26738, May 16, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart KKKKK*(68 FR 26738, May 16, 2003, National Emission Standards for Clay Ceramics Manufacturing)*.

*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 20-73-1*)

SECTION 4. 326 IAC 20-74 IS ADDED TO READ AS FOLLOWS:

Rule 74. Coke Ovens: Pushing, Quenching, and Battery Stacks

326 IAC 20-74-1 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 63.7281 (68 FR 18026, April 14, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CCCCC*(68 FR 18025, April 14, 2003, National Emission Standards for Coke Ovens: Pushing, Quenching, and Battery Stacks)*.

***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 20-74-1)**

SECTION 5. 326 IAC 20-75 IS ADDED TO READ AS FOLLOWS:

Rule 75. Engine Test Cells/Standards

326 IAC 20-75-1 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 63.9285* (68 FR 28785, May 27, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart P (68 FR 28785, May 27, 2003, National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Standards)*.

***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 20-75-1)**

SECTION 6. 326 IAC 20-76 IS ADDED TO READ AS FOLLOWS:

Rule 76. Hydrochloric Acid Production

326 IAC 20-76-1 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 63.8985* (68 FR 19090, April 17, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart N (68 FR 19090, April 17, 2003, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production).

***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 20-76-1)**

SECTION 7. 326 IAC 20-77 IS ADDED TO READ AS FOLLOWS:

Rule 77. Printing, Coating, and Dyeing of Fabrics and Other Textiles

326 IAC 20-77-1 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 63.4281* (68 FR 32188, May 29, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart O (68 FR 32188, May

29, 2003, National Emission Standards for Hazardous Air Pollutants for Printing, Coating, and Dyeing of Fabrics and Other Textiles).

**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 20-77-1)*

SECTION 8. 326 IAC 20-78 IS ADDED TO READ AS FOLLOWS:

Rule 78. Surface Coating of Metal Furniture

326 IAC 20-78-1 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 63.4881* (68 FR 28620, May 23, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RRRR* (68 FR 28620, May 23, 2003, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Furniture).

**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 20-78-1)*

SECTION 9. 326 IAC 20-79 IS ADDED TO READ AS FOLLOWS:

Rule 79. Surface Coating of Wood Building Products

326 IAC 20-79-1 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 31760, May 28, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQQQ* (68 FR 31760, May 28, 2003, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products).

**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 20-79-1)*

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 September 1, 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 20-71, 326 IAC 20-72, 326 IAC 20-73, 326 IAC 20-74, 326 IAC 20-75, 326 IAC 20-76, 326 IAC 20-77, 326 IAC 20-78, and 326 IAC 20-79.

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