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TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #05-166(APCB)

DEVELOPMENT OF NEW RULES CONCERNING VOLATILE ORGANIC COMPOUND EMISSIONS FROM REINFORCED PLASTIC COMPOSITES PRODUCTION FACILITIES AND BOAT MANUFACTURERS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language to amend 326 IAC 8-1-6 to exempt boat manufacturing facilities that are subject to 326 IAC 20-48 and reinforced plastics composites production facilities that are subject to 326 IAC 20-56 from 326 IAC 8-1-6. 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 3056).

CITATIONS AFFECTED: 326 IAC 8-1-6.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The purpose of this rulemaking is to improve the clarity and predictability of the emission control requirements for certain new sources of VOC emissions. The timeliness of permit decisions will be improved for these sources. Currently, new facilities not regulated by a provision in 326 IAC 8 and which have potential emissions of 25 tons or more per year of VOC are required to reduce VOC emissions using best available control technology (BACT) under 326 IAC 8-1-6 (new facilities: general reduction requirements). Establishing BACT is a case-by-case determination based on the maximum reduction in emissions that is technically feasible, while taking into account energy, environmental, and economic impact. Uncertainty is inherent in most of these analyses. Establishing specific standards in place of case-by-case analyses improves the clarity, predictability, and timeliness of permit decisions involving emissions units that are currently subject to 326 IAC 8-1-6.

Styrene is classified as both a hazardous air pollutant (HAP) and a VOC and is the predominant regulated air pollutant from sources subject to 326 IAC 20-48, which incorporates by reference 40 CFR Part 63, Subpart VVVV (Boat Manufacturing), and 326 IAC 20-56, which incorporates by reference 40 CFR Part 63, Subpart WWW (Reinforced Plastics Composites Production). Numerous case-by-case analyses for sources subject to 326 IAC 20-48 or 326 IAC 20-56 have been submitted to, and approved by, IDEM. These analyses established that the emission limitation in the applicable national emission standards for hazardous air pollutant (NESHAP) satisfied the requirement for BACT. However, 326 IAC 8-1-6 requires the applicant to compile the energy, environmental, and economic analyses of alternative controls and IDEM staff must review and approve those analyses. For sources subject to 326 IAC 20-48 or 326 IAC 20-56, this rulemaking will reduce the administrative burden for both the applicant and IDEM since compliance with the applicable NESHAP will assure that BACT requirements have been addressed and met.

This rulemaking will establish that, for sources subject to 326 IAC 20-48 or 326 IAC 20-56, compliance with the applicable NESHAP satisfies 326 IAC 8-1-6 requirements for such sources.

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.

Potential Fiscal Impact

The potential fiscal impact of complying with 326 IAC 20-48 (40 CFR Part 63, Subpart VVVV (Boat Manufacturing)) is outlined at 66 FR 44222 (August 22, 2001) "Summary of Environmental, Energy, and Economic Impacts" and at 68 FR 19381 (April 21, 2003) for sources subject to 326 IAC 20-56 (40 CFR Part 63, Subpart WWW (Reinforced Plastics Composites Production)). These impacts would be incurred by sources subject to 326 IAC 20-48 or 326 IAC 20-56 irrespective of this rulemaking. There will be a cost savings to affected sources because they will not have to do a BACT analysis for affected facilities. The permitting process will

be faster and more efficient, reducing the burden on affected sources and IDEM's resources.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Patricia Troth, Rules Section, Office of Air Quality at (317) 233-5681 or (800) 451-6021 (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:

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

American Composites Manufacturers Association (ACMA)

Comment: ACMA strongly supports IDEM's proposed action. A study conducted for ACMA in 2003 evaluated whether composite manufacturing plants at which all VOC sources comply with MACT (maximum achievable control technology) would also satisfy VOC requirements, and concluded that a source that meets MACT requirements should also automatically comply with LAER, BACT, and RACT. We appreciate IDEM's efforts to minimize administrative burdens and encourage the Department to enact the proposed change. (ACMA)

Response: IDEM believes that establishing specific standards in place of case-by-case analyses to regulate VOC emissions from boat manufacturing facilities and reinforced plastic composites production facilities that are subject to a NESHAP (MACT) will minimize the administrative burden for both the regulated source and the department while improving clarity, predictability, and timeliness of permit decisions.

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:

#05-166(APCB) Fiberglass

Patricia Troth 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 November 3, 2005.

Additional information regarding this action may be obtained from Patricia Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-1-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-1-6 New facilities; general reduction requirements

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

Affected: IC 13-15; IC 13-17

Sec. 6. New facilities (as of January 1, 1980) ~~which that:~~

(1) have potential emissions of 22.7 megagrams (25 tons) or more per year;

(2) **are** located anywhere in the state; ~~which and~~

(3) are not otherwise regulated by:

(A) other provisions of this article; ~~(326 IAC 8);~~

(B) 326 IAC 20-48; or

(C) 326 IAC 20-56;

shall reduce VOC emissions using best available control technology (BACT). (*Air Pollution Control Board; 326 IAC 8-1-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2530*)

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 December 7, 2005, 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 amendments to 326 IAC 8-1-6.

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 and 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 Patricia Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 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.

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality