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

### **Proposed Rule** LSA Document #05-166

#### **DIGEST**

Amends 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. Effective 30 days after filing with the Secretary of State.

#### **HISTORY**

First Notice of Comment Period: July 1, 2005, Indiana Register (28 IR 3056).

Second Notice and Notice of First Hearing: October 1, 2005, Indiana Register (29 IR 214).

#### **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 October 1, 2005, at 29 IR 214, 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 October 1, 2005, through November 3, 2005, on IDEM's draft rule language. IDEM received comments from the following parties:

Elliott Company of Indianapolis, Inc. (ECII)

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

*Comment:* We support the proposed change to 326 IAC 8-1-6 so that facilities complying with Rules 48 or 56 are not required to reduce VOC emissions using BACT. These facilities will have already reduced VOC emissions to the extent feasible and this change will reduce costs, uncertainty, and the overall burden of the permitting system. (ECII)

*Response:* IDEM agrees that facilities that comply with 326 IAC 20-48 or 326 IAC 20-56 to limit emissions of styrene, which is both a hazardous air pollutant and a volatile organic compound (VOC), reduce VOCs to the extent necessary to satisfy best available control technology (BACT) requirements by using maximum achievable control technology (MACT).

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

On December 7, 2005, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 8-1-6. No comments were made at the first hearing.

#### **326 IAC 8-1-6**

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 **twenty-two and seven-tenths** (22.7) megagrams (**twenty-five** (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 Public Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 1, 2006 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 amendments to 326 IAC 8-1-6.*

*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 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 Patricia Troth, Rule 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 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