

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NONRULE POLICY DOCUMENT

Title: **Automobile Refinishing Rule; Requirements for Gun Cleaners.**

Identification Number: **Air-002NPD.**

Date Originally Adopted: **May 6, 1996.**

Dates Revised: **September 9, 1996; January 31, 1997; June 10, 1997.**

Other Policies Repealed or Amended: **None.**

Brief Description of Subject Matter: **Enforcement of 326 IAC 8-10-5, which requires that by May 1, 1996, automobile refinishers use enclosed gun cleaners.**

Citations Affected: **326 IAC 8-10-5(a).**

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM once the revised nonrule policy document is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

The purpose of this nonrule policy addresses Indiana's auto refinishing rule, 326 IAC 8-10. Section 5(a) of that rule required that by May 1, 1996, refinishers use enclosed gun cleaners.

IDEM is aware that a number of automobile refinishers in the four (4) ozone nonattainment counties (Clark, Floyd, Lake, and Porter) currently use open gun cleaners, and did not replace them with enclosed cleaners by May 1, 1996. IDEM has been presented with technical information indicating that open gun cleaners provide equal control of volatile organic compounds (VOCs) and a request that IDEM find them to be equivalent to the technology required by the rule.

IDEM is evaluating this technical information and has not come to a final determination on the equivalency of the open gun cleaner for purposes of the Indiana rule. However, given that the issue is under active consideration, that it is impractical for refinishers with open gun cleaners to replace their equipment by May 1, 1996, and that IDEM may ultimately find the open gun cleaners to be equivalent in terms of VOC reduction, IDEM will exercise its enforcement discretion during the remainder of the technical evaluation and will not issue Notice of Violation or take other enforcement action against refinishers for violation of 326 IAC 8-10-5(a).

This policy will remain in effect until November 1, 1997, or such later time as IDEM may establish. If IDEM concludes that the open gun cleaners are equivalent to the requirement currently in the rule, IDEM will commence rulemaking to amend the rule.