

TITLE 326 AIR POLLUTION CONTROL DIVISION

LSA Document #18-542

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from August 14, 2019, through September 13, 2019, on IDEM's draft rule language. IDEM received comments from the following parties:

Dave Ellison, Printpack (DE)

Kay Haggard, Fort Wayne Metals Research Products Corporation (KH)

Ram Singhal, Environmental Strategy Flexible Packaging Association (RS)

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

Comment: Commenters noted that the draft rule language in 326 IAC 8-3-2(b)(3) needs to be clarified to indicate that solvent spray being applied in a closed chamber is permitted and does not have to be a solid, fluid stream or applied at low pressure. Suggested changes to rule language are as follows:

“(3) If used, solvent spray must be:

(A) performed in an enclosed chamber; **or**

(B) **applied** as a solid, fluid stream at a pressure that does not cause excessive splashing.” (DE, RS)

Response: IDEM agrees that modifying the draft rule language is necessary to indicate that the requirement for solvent spray being applied in a closed chamber is separate from the requirement that solvent spray must be a solid, fluid stream applied at a low pressure to avoid excessive splashing. IDEM has revised 326 IAC 8-3-2(b)(3) to incorporate the suggested changes.

Comment: Commenters identified an issue with the draft rule language at 326 IAC 8-3-8(b)(1) that does not properly clarify the distinction that it is the individual or business, rather than the seller, that must comply with subdivision (3).

The following change to the rule language was proposed:

“326 IAC 8-3-8(b)(1)

A person shall not cause or allow the sale of solvents for use in cold cleaner degreasing operations with a VOC composite partial vapor pressure, when diluted at the manufacturer's recommended blend and dilution, that exceeds one (1) millimeter of mercury (nineteen-thousandths (0.019) pound per square inch) measured at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) in an amount greater than five (5) gallons during any seven (7) consecutive days to an individual or business, except **if that individual or business is** in compliance with subdivision (3).” (DE, RS)

Response: IDEM appreciates the suggestion of clarifying the draft rule language to distinguish between the two requirements, and has updated 326 IAC 8-3-8(b)(1) to reflect this

change.

Comment: Commenters pointed out a potential typographical error in the draft rule language at 326 IAC 8-3-2(b)(1)(E):

“The proposed rule amendments allowing VOC emission control equipment appear to reference the wrong citation- Section 8(b)(3), which is in fact listed in SECTION 5.” (DE)

“FPA submits that there may be a typo in the proposed rule referring to the operation of VOC control equipment. It would appear that it should refer to 326 IAC 8-3-8(b)(3), not section 8(b)(3).” (RS)

Response: IDEM appreciates the commenters’ input as to the accuracy of the draft rule language. However, the citation reference is not an error. The section headings listed in the draft rule language that appear before the amended rule sections (i.e. Section 5. 326 IAC 8-3-8 is amended to read as follows:) are used as temporary section headings within the draft rule to indicate separation between one section amendment and the next. Once the amended rule language is adopted and incorporated into the full rule in the Indiana Administrative Code, the sections will retain their original numbering (i.e. Article 8, Rule 3, Section 8(b)(3)).

Additionally, the reference to section 8(b)(3) in the draft rule language is a stylized abbreviation that is required by the Legislative Services Agency, and is understood to mean the full citation at 326 IAC 8-3-8(b)(3). Abbreviating the citation references within the amended sections helps to reduce unnecessary duplication and allows for smoother reading of the draft language.

Comment: Fort Wayne Metals Research Products Corp supports IDEM’s proposed rule amendment at 326 IAC 8-3-1(a)(1) exempting degreasers that emit less than 15 pounds per day. This rule change will reduce operating costs and increase degreasing operations. (KH)

Response: IDEM appreciates Fort Wayne Metals’ comment and agrees that the exemption for degreasers with the potential to emit VOCs of equal to or less than 15 pounds per day will reduce the regulatory burden for sources that meet these requirements, thereby increasing the efficiency of degreasing operations and reducing operating costs.

IDEM continues to work with U.S. EPA to ensure that this applicability language, similar to language in rules for surrounding states, will be approved by U.S. EPA into the Indiana State Implementation Plan.