



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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June 20, 2005

Mr. Bharat Mathur
Acting Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Re: Clean Air Act, Section 112(l) Delegation
Requests: Boat Manufacturing NESHAP;
Reinforced Plastic Composites Production
NESHAP

Dear Mr. Mathur:

This letter is to request delegation of authority to Indiana to implement and enforce the following two National Emission Standards for Hazardous Air Pollutants (NESHAPs):

- Boat Manufacturing, 40 CFR 63, Subpart VVVV
- Reinforced Plastic Composites Production, 40 CFR 63, Subpart WWWW.

This request is consistent with U.S. EPA's final rule addressing delegation of authority (65 FR 55809, September 14, 2000) and final rule approving Indiana's Section 112(l) Program of Delegation (62 FR 36460, July 8, 1997).

U.S. EPA issued final rules in July 1997, March 2000 and April 2004 delegating Indiana implementation and enforcement authority for Section 112(l) standards promulgated through those dates, respectively.

For the Boat Manufacturing NESHAP, Indiana adopted requirements of the federal rule into state rule, with the exception of: certain gel coat applications in Table 2 to Subpart VVVV, 40 CFR 63, Alternative Organic Hazardous Content Requirements for Open Molding Resin and Gel Coat Operations; additional requirements applicable to alternative organic hazardous air pollutant content requirements for open molding gel coat operations; additional work practice standards; and, additional operator training requirements, as detailed in the final rule. For the Reinforced Plastic Composites Production NESHAP, Indiana adopted requirements of the federal rule into state rule, plus additional operator training requirements, as detailed in the final rule. Therefore for these two NESHAPs, we are seeking approval under 40 CFR 63.92. The criteria for approval are contained in sections 63.91 and 63.92.

Based on prior program submittals and approvals for Indiana's Title V air permit and Section 112 delegation programs, Indiana has met the "up-front" approval requirements as specified in 40

CFR 63.91(d). The remaining criterion for approval is a demonstration that the State has adequate legal authority to implement and enforce the applicable federal standard. While incorporation of the federal requirements into the Title V air permit provides sufficient authority, Indiana also has incorporated the federal standards by reference into the state rules, providing legal authority outside of the Title V program. The authority for the Boat Manufacturing NESHAP has been established through state rule, 326 IAC 20-48. The rule became effective April 24, 2003. The authority for the Reinforced Plastic Composites Production NESHAP has been established through state rule, 326 IAC 20-56. The rule went into effect March 16, 2005.

Boat Manufacturing NESHAP

A copy of the state rule language for the Boat Manufacturing NESHAP (326 IAC 20-48) is enclosed (Enclosure A). In addition, because Indiana's rule is not identical to the federal rule, Indiana must also meet the criteria for approval contained in 40 CFR 63.92(b). These are as follows:

63.92(b)(1) A demonstration that the public within the State has had adequate notice and opportunity to submit written comment on the state requirements.

Title 13 of Indiana Code contains statutory requirements for the environmental rulemaking process. IC 13-14-9 specifies requirements for providing opportunities for public comment during this process. With respect to the Boat Manufacturing NESHAP, opportunities for public comment were made available through two published notices of comment period and two public hearings.

63.92(b)(2) A demonstration that each State adjustment to the federal rule individually results in requirements that:

(i) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to applicability

Applicability is consistent with the federal rule. No adjustments were made to these requirements in the state rule. 326 IAC 20-48-1(a).

(ii) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to level of control for each affected sources and emission point.

Level of control for each affected source and emission point is at least as stringent as that allowed by the Federal rule (note dated 8/23/02 from Julie Capasso, U.S. EPA Region V, to Jean Beauchamp, IDEM/Office of Air Quality) (Enclosure B). 326 IAC 20-48-1(b); 326 IAC 20-48-2.

(iii) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to compliance and enforcement measures for each affected source and emission point.

Compliance and enforcement measures for each affected source are consistent with the federal rule. No adjustments were made to these requirements in the state rule. 326 IAC 20-48-1(b).

(iv) Assure compliance by every affected source no later than would be required by the otherwise applicable federal rule.

Deadlines are consistent with the federal rule. No adjustments were made to these requirements in the state rule. 326 IAC 20-48-1(b).

63.92(b)(3) State adjustments to federal section 112 rules which may be part of an approved rule under this section are:

- (i) Lowering a required emission rate or de minimis level.**
No adjustments were made to the emission rate requirements.
- (ii) Adding a design, work practice, operational standard, emission rate, or other such requirement.**
Indiana's rule, 326 IAC 20-48, added alternative HAP content requirements for gel coat operations at 326 IAC 20-48-2; these requirements are in addition to the requirements of 40 CFR 63, Subpart VVVV, Table 1. Indiana's rule added additional work practice standards at 326 IAC 20-48-3 and added additional operator training requirements at 326 IAC 20-48-4.
- (iii) Increasing a required control efficiency.**
No adjustments made.
- (iv) Increasing the frequency of required reporting, testing, sampling, or monitoring.**
No adjustments made.
- (v) Adding to the amount of information required for records or reports.**
No adjustments made were made to federal requirements. However, 326 IAC 20-48-4(c) requires maintaining current training records on site.
- (vi) Decreasing the amount of time to come into compliance.**
No adjustments made.
- (vii) Subjecting additional emission point or sources within a source category to control requirements.**
No adjustments made.
- (viii) Any adjustments allowed in a specific section 112 rule.**
No adjustments made.
- (ix) Minor editorial, formatting, and other nonsubstantive changes.**
No adjustments made.
- (x) Identical alternative requirements previously approved by the Administrator in another local agency within the same State, if previously noticed that the alternative requirements would be applicable in the jurisdiction seeking approval under this section.**
This does not apply.

Reinforced Plastic Composites Production NESHAP

A copy of the state rule language for the Reinforced Plastic Composites Production NESHAP (326 IAC 20-56) is enclosed (Enclosure C). Because Indiana's rule is not identical to the federal rule, Indiana must also meet the criteria for approval contained in 40 CFR 63.92(b). These are as follows:

63.92(b)(1) A demonstration that the public within the State has had adequate notice and opportunity to submit written comment on the state requirements.

Title 13 of Indiana Code contains statutory requirements for the environmental rulemaking process. IC 13-14-9 specifies requirements for providing opportunities for public comment during this process. With respect to the reinforced plastic composites production rule, opportunities for public comment were made available through two published notices of comment period and two public hearings.

63.92(b)(2) A demonstration that each State adjustment to the federal rule individually results in requirements that:

- (i) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to applicability**
- (ii) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to level of control for each affected sources and emission point.**
- (iii) Are unequivocally no less stringent than the otherwise applicable federal rule with respect to compliance and enforcement measures for each affected source and emission point.**
- (iv) Assure compliance by every affected source no later than would be required by the otherwise applicable federal rule.**

Applicability, level of control, compliance and enforcement measures, and deadlines required in 326 IAC 20-56 are consistent with the federal rule. No adjustments were made to these requirements in the state rule. The state rule incorporates all requirements of the federal rule without change and adds additional operator training requirements.

63.92(b)(3) State adjustments to federal section 112 rules which may be part of an approved rule under this section are:

- (i) Lowering a required emission rate or de minimis level.**
No adjustments were made to the emission rate requirements.
- (ii) Adding a design, work practice, operational standard, emission rate, or other such requirement.**
Indiana's rule, 326 IAC 20-56-2, establishes operator training requirements. All new and existing personnel involved in resin and gel goat spraying and applications are required to be trained within 30 days of hiring. Training is required to cover: appropriate application techniques, appropriate equipment cleaning procedures, and appropriate equipment setup and adjustment to minimize material usage and overspray. There are no operator training requirements in the federal rule.
- (iii) Increasing a required control efficiency.**
No adjustments made.
- (iv) Increasing the frequency of required reporting, testing, sampling, or monitoring.**
No adjustments made.
- (v) Adding to the amount of information required for records or reports.**
Indiana's rule, 326 IAC 20-56-2(c), adds to the record keeping requirements of the federal rule by requiring sources to maintain operator training records.
- (vi) Decreasing the amount of time to come into compliance.**

No adjustments made.

- (vii) **Subjecting additional emission point or sources within a source category to control requirements.**

No adjustments made.

- (viii) **Any adjustments allowed in a specific section 112 rule.**

No adjustments made.

- (ix) **Minor editorial, formatting, and other nonsubstantive changes.**

No adjustments made.

- (x) **Identical alternative requirements previously approved by the Administrator in another local agency within the same State, if previously noticed that the alternative requirements would be applicable in the jurisdiction seeking approval under this section.**

This does not apply.

Request for delegation of Category I authorities

In amendments to the Section 112(l) program, U.S. EPA clarified that certain authorities granted to the Administrator may be delegated to the states (65 FR 55809, September 14, 2000). These authorities, identified as Category I authorities, are listed in the final federal rule.

-Indiana requests delegation of these authorities, as applicable to the National Emission Standards for Hazardous Air Pollutants from Boat Manufacturing, 40 CFR, Subpart VVVV. This NESHAP specifically lists what authorities are delegated to the state in section 63.5776(b)(1) through (4).

-Indiana requests delegation of these authorities, as applicable to the National Emission Standard for Hazardous Pollutants from Reinforced Plastic Composites Production, 40 CFR, Subpart WWWW. This NESHAP specifically lists what authorities are not delegated to the state in section 63.5930.

If you need additional information, please contact Kathryn A. Watson of the Office of Air Quality at 317-233-5694.

Sincerely,

Thomas W. Easterly
Commissioner

Enclosures:

TWE: pt

cc: Pam Blakely

Genevieve Damico

Sam Portanova

John Mooney

Jay Bortzer

IDEM/OAQ/Rules Section Delegation File

Enclosure A

Rule 48. Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

326 IAC 20-48-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5683* (66 FR 44232, August 22, 2001, and 66 FR 50504, October 3, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VVVV*, (66 FR 44232, August 22, 2001, and 66 FR 50504, October 3, 2001), National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, except for the following gel coat applications in Table 2 to Subpart VVVV, 40 CFR 63*; Alternative Organic Hazardous Content Requirements for Open Molding Resin and Gel Coat Operations:

- (1) 3. Pigmented gel coat operations.
- (2) 4. Clear gel coat operations.
- (3) 7. Tooling gel coat operations.

(c) Sources subject to this rule are exempt from 326 IAC 20-25 after the following compliance dates as provided in Table 1 to Subpart VVVV, 40 CFR 63*; Compliance Dates for New and Existing Boat Manufacturing Facilities:

- (1) August 23, 2004, for an existing source that is a major source on or before August 22, 2001.
- (2) One (1) year after becoming a major source for an existing or new nonmajor source.
- (3) Upon startup, whichever is later, for a new major source.

(d) A source shall use the following references or methods to estimate emissions:

- (1) "Unified Emission Factors for Open Molding of Composites", July 2001*, except use of controlled spray emission factors must be approved by the commissioner and U.S. EPA.
- (2) "Compilation of Air Pollution Emission Factors AP-42"*, as defined in 326 IAC 1-2-20.5, except emissions from hand layup and spray layup operations must be calculated using emission factors referenced in subdivision (1) or site-specific values using information in subdivision (3).
- (3) Site-specific values or other means of quantification provided the site-specific values and the emission factors are acceptable to the commissioner and the U.S. EPA.

*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, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-48-1; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2611*)

326 IAC 20-48-2 Alternative organic hazardous air pollutant content requirements for open molding gel coat operations

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 2. In addition to alternative organic HAP content requirements for open molding resin operations contained in Table 2 to Subpart VVVV, 40 CFR 63*, the alternative HAP content requirements for gel coat operations are as follows:

Gel Coat Application

For this operation	And this application method	You must not exceed this weighted-average percent organic HAP content (weight percent) requirement
Pigmented gel coat operations	Atomized (spray)	33 percent
Clear gel coat operations	Atomized (spray)	48 percent
Tooling gel coat operations	Atomized (spray)	40 percent
Pigmented gel coat operations	Nonatomized (nonspray)	40 percent
Clear gel coat operations	Nonatomized (nonspray)	55 percent
Tooling gel coat operations	Nonatomized (nonspray)	54 percent

*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, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-48-2; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2611*)

326 IAC 20-48-3 Work practice standards

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 3. In addition to 40 CFR 63.5731* and 40 CFR 63.5734(b)*, the following work practice standards are required:

- (1) Nonatomizing spray equipment shall not be operated at pressures that atomize the material during the application process.
- (2) Solvents sprayed during cleanup and resin changes shall be directed into solvent collection containers.
- (3) For routine flushing of resin and gel coat application equipment, such as spray guns, flowcoaters, brushes, rollers, and squeegees, owners or operators must use a cleaning solvent that contains no hazardous air pollutants (HAPs). However, recycled cleaning solvents that contain less than or equal to five percent (5%) HAP by weight are considered to contain no HAP for the purposes of this subdivision. For removing cured resin or gel coat from application equipment, no organic HAP limit applies.
- (4) Clean-up rags with solvent shall be stored in closed containers.
- (5) Closed containers shall be used for the storage of the following:
 - (A) All production and tooling resins that contain HAPs.
 - (B) All production and tooling gel coats that contain HAPs.
 - (C) Waste resins and gel coats that contain HAPs.
 - (D) Cleaning materials, including waste cleaning materials.
 - (E) Other materials that contain HAPs.

The covers of the closed containers must have no visible gaps and must be in place at all times, except when equipment is placed in or removed from the container.

*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, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-48-3; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2611*)

326 IAC 20-48-4 Operator training

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-17-3

Sec. 4. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly according to the following schedule:

- (1) All personnel hired shall be trained within fifteen (15) days of hiring.
- (2) To ensure training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (3) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.

(b) The lesson plans shall cover, for the initial and refresher training, at a minimum, all of the following topics:

- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and available for inspection and review:

- (1) A copy of the current training program.
- (2) A list of all current personnel, by name, that are required to be trained and the dates they were trained and the date of the most recent refresher training.

(d) Records of prior training programs and former personnel are not required to be maintained. (*Air Pollution Control Board; 326 IAC 20-48-4; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2612*)

Enclosure C

Rule 56. Reinforced Plastic Composites Production

326 IAC 20-56-1 Applicability; incorporation by reference of federal standards

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

Affected: IC 13-12-3-1; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5785 (68 FR 19402, April 21, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites 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 20-56-1; filed Feb 14, 2005, 10:50 a.m.: 28 IR 2020*)

326 IAC 20-56-2 Operator training

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

Affected: IC 13-12-3-1; IC 13-17

Sec. 2 (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly according to the following schedule:

- (1) All personnel hired shall be trained within thirty (30) days of hiring.
- (2) To ensure training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (3) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.

(b) The lesson plans shall cover, for the initial and refresher training, at a minimum, all of the following topics:

- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and make them available for inspection and review:

- (1) A copy of the current training program.
- (2) A list of the following:
 - (A) All current personnel, by name, that are required to be trained.
 - (B) The date the person was trained or date of most recent refresher training, whichever is later.

(d) Records of prior training programs and former personnel are not required to be maintained. (*Air Pollution Control Board; 326 IAC 20-56-2; filed Feb 14, 2005, 10:50 a.m.: 28 IR 2020*)