



AIR & WASTE MANAGEMENT
ASSOCIATION
SINCE 1907

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News from the Indiana Chapter of the
Air & Waste Management
Association

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Indiana NEWS

Weighty Changes in Progress for Indiana Air Programs

By: Valerian C. Simianu, Ph.D., P.E. -
SECOR International and James M. Hauck -
Barnes & Thornburg

Several important changes are making their way through the rulemaking process of the Air Pollution Control Board ("APCB"). Changes to the fugitive dust rule, emissions reporting requirements, and the process weight rule are set for preliminary adoption and hearing at the APCB meeting at 1pm, April 12, 2001, Conf. Rm. B, Ind. Gov't Center South, Indianapolis. Look for the proposed rules at: <http://www.state.in.us/legislative/registry/index-24.html>.

Fugitive Dust

IDEM has developed proposed rule, 326 IAC 6-4.5, concerning fugitive dust emissions, to replace the current 326 IAC 6-4. Issues we see with the proposed rule:

1. The proposed fugitive dust definition includes emissions from stacks and vents that cause secondary deposition or down-wash that falls below 10 meters. This is a broader definition than the current rule and would cause some companies to reconsider stack, vent and roof design.

2. The current rule generally

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Supreme Court Upholds Ozone Standards But Remands To EPA For New Implementation Program

By: Tony Sullivan and James M. Hauck,
Barnes & Thornburg

On February 27, 2001, the United States Supreme Court issued its ruling upholding EPA's new 8-hour ozone standard. See *Whitman v. American Trucking Associations, Inc.*, Cause Nos. 99-1257 and 99-1426 [see web link below]. The Court held that the EPA not only did not have to consider costs in determining what the standard should be, but was not allowed to consider such factors. However, the Court invalidated EPA's ozone implementation policy and remanded the decision to the D.C. Court of Appeals and to EPA to develop an implementation procedure that is consistent with the Clean Air Act's implementation procedure for the 1-hour ozone standard.

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AWMA Golf Outing Set for May 31st!

Twin Bridges Golf Course
Danville
11:00 a.m.

Watch April Newsletter for Details
Contact: Harry Williams 317/241-2277

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Winter Technical Meeting Features Sen. Gard & IDEM

On December 5, the Indiana Chapter held its Winter Technical Meeting at the Ramada Inn, Indianapolis Airport. Attendees heard from Senator Beverly Gard and representatives from five IDEM offices:

Deputy Comm. for Legal Affairs Sylvia Wilcox;
Ass't Comm., Office of Air Quality Janet McCabe;
Ass't Comm., Office of Water Quality Matt Rueff,
Deputy Ass't Comm., Office of Land Quality Bruce Palin; and
Branch Chief, Pollution Prevention, OPPTA John Chavez.

Senator Gard provided an update on the outcome of the summer's EQSC meeting, commented on what to expect legislatively in 2001, and shared her thrill at being one of Indiana's electors.



The IDEM speakers offered their thoughts on IDEM's direction for the upcoming year, rounding out the regulatory picture for attendees.

Visit the Indiana Chapter on the Web! www.inawma.com

Thanks to the sponsorship of Delphi Automotive, the Indiana Chapter website is on-line! If you have information you would like to add to our website or have suggestions, please contact Steve Dixon or Ann McIver.

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Contact a Chapter officer for information on adding your name to our list of

Proposed New Effluent Guidelines and Standards for the Metal Products and Machinery Industry

By: Valerian C. Simianu, Ph.D., P.E. and John Wellspring, CHMM
SECOR International Incorporated

On January 3, 2001, EPA proposed a new regulation that will establish technology-based effluent limitations for wastewater discharges to navigable waters from Metal Products and Machinery (MP&M) facilities regulated by the National Pollutant Discharge Elimination System (NPDES) permitting program. The rules would also establish pretreatment standards for discharges into

Publicly Owned Treatment Works (POTWs) from MP&M facilities. EPA has previously issued national technology-based standards or effluent guidelines for over 50 industry categories. See www.epa.gov/ost/guide for a complete list. The effluent guidelines for the MP&M Industry will be a new category. In general, this proposed new category seeks to regulate wastewater discharges from unit operations that are not currently regulated by existing effluent guidelines. Some facilities in the electroplating and metal finishing industries would be required to comply with the new standards instead of the existing standards. Also, some sources with affected unit operations will need to comply with the new standards in addition to existing standards. The following sectors of the MP&M industry will be covered by the proposed new guidelines and standards:

Aerospace
Aircraft
Bus & Truck
Electronic Equipment
Hardware
Household Equipment
Instruments
Metal Finishing and Electroplating
Job Shops
Mobile Industrial Equipment
Motor Vehicles Office Machines
Ordnance
Other Metal Products
Precious Metals and Jewelry
Printed Circuit Boards
Railroad
Ships and Boats
Stationary Industrial Equipment
Miscellaneous Metal Products

EPA estimates that thousands of Indiana facilities would be subject to this rule. The guidelines will apply to both new and existing facilities that manufacture, rebuild, or maintain finished metal products, parts or machines. The new effluent limitations would be applicable to both direct and indirect dischargers and include seven subcategories: General Metals, Metal Finishing Job Shops, Non-Chromium Anodizers, Printed Circuit Boards, Steel Forming and Finishing, Oily Wastes, Railroad Line Maintenance, and Shipbuilding Dry Docks.

The proposed pretreatment standards for existing sources (PSES) represent a significant tightening of effluent standards when compared to existing metal finishing effluent standards. Similarly stringent, as are the other standards such as: Best Practicable Technology (BPT), Best Available Technology (BAT), New Source Performance Standard (NSPS) and Pretreatment Standards for New

Sources (PSNS) within the General Metals subcategory. As in the past, the plant specific limitations will need to be derived by application of the combined wastestream formula.

If your facility is being covered by this proposed rule it is recommended that you:

1. Review your current permit limitations;
2. Compare your current limitations and parameters with the appropriate subcategories and limitations of the proposed rule;
3. Monitor your effluent for the presence/absence of any currently unregulated parameters;
4. Evaluate your probability of compliance with the new standards, ensuring that you consider the combined wastestream formula;
5. Investigate combinations of process alternatives, pollution prevention technologies, and/or wastewater treatment technologies that will bring your MP&M discharges into compliance, if compliance probability is not high;
6. Begin planning for any necessary capital expenditures over the next three to five years. (Existing sources will have three years to comply with the new standards once they are finalized.)

Facilities that perceive problems in complying with the new standard should consider commenting on the proposed rule either directly, through their trade association or environmental consultant.

The comment deadline for the proposed rule is May 3, 2001. For links to the proposed regulation, comment details and related information:
www.epa.gov/ost/guide/mpm/.

Weighty Rule Changes

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concerns fugitive dust crossing the property line at ground level. The proposed rule addresses dust at any height, and specifically requires any monitoring to be done between 2 and 15 meters (approximately 6.5 to 50 feet).

3. A source would be in violation if downwind concentration of the fugitive dust exceeds the upwind concentration by at least 50 micrograms per cubic meter for at least one hour, when the downwind concentration exceeds 150 micrograms per cubic centimeter. The proposed rule eliminates the 67% excess formula and defines the values for fugitive dust.

4. The proposed rule adds a provision defining the upwind-downwind direction as 180 degrees plus or minus 22.5 degrees and remaining within these boundaries for at least 95% of the monitoring period. The current rule does not define numerically the upwind-downwind direction.

5. The exemption for adverse meteorological conditions, undefined in the current rule, would be changed to specifically include only high winds and severe drought.

6. A control plan would be required to be submitted to IDEM within 30 days of a finding of excessive dust.

Emission Statements

IDEM has proposed to amend 326 IAC 2-6, the emissions reporting rule, to require reporting of dozens of hazardous air pollutants

(“HAPs”) not included in the current rule, broaden the applicability of the rules to include FESOP sources and to require significantly more information than does the current rule.

1. The proposed rule would add a requirement for reporting 59 HAPs grouped in 5 categories, starting with Year 2001 data. HAP reporting is currently done on a voluntary basis.

2. The proposed rule would expand applicability of the reporting requirements to include all Federally Enforceable State Operating Permit (“FESOP”) sources, more than half of which are not required to report now. FESOP reports would be due triennially unless the source is located in a county that is non-attainment or under a maintenance plan, in which case the report would be due annually. Annual emissions statements would still be required for all major sources.

3. Under the current rule, emissions can be reported as source wide emissions or by stack, etc. The proposed rule would require that emissions statements be developed on an emission unit basis.

4. IDEM also proposes to eliminate seasonal reporting of ozone precursors and consequently the associated definitions such as “peak ozone season” and “typical ozone season day” would no longer be used.

IDEM intends to provide new emission reporting software to replace the user-unfriendly DOS-based STEPS software. The new software will be a Windows program and IDEM would allow for electronic submission.

Process Weight Rates

IDEM’s proposed amendment to 326 IAC 6-3 would specifically include sources with process weight rates below 100 lbs./hr., include coating facilities and correct several miscalculations in the table at 326 IAC 6-3-2(e).

1. The rule restricts particulate emissions, for almost all operations, by providing equations for sources to calculate allowable emission rates. The allowable emission rates are based on the total weight of all material introduced into any source operation. The lowest listed process weight rate is one hundred (100) lbs/hr and its calculated allowable emission rate is five hundred fifty-one thousandths (0.551) lb/hr. The proposed rule provides that sources with process weight rates below one hundred (100) lbs/hr shall limit their particulate emissions to five hundred fifty-one thousandths (0.551) lb/hr.

2. IDEM states in the preamble of the proposed rule that it intends to exempt processes with extremely low particulate matter emissions from this rule. However, the language in the proposed rule does not include this specific exemption.

3. A new section for coating operations was incorporated in the proposed rule, providing that surface coating, reinforced plastics composite fabricating operations, or graphic arts operations with a potential to emit particulate matter shall be controlled by a dry particulate filter or an equivalent control device with specific requirements. However, “surface coating” is not defined in the proposed rule.

Specialty Conferences

**HAZARDOUS WASTE COMBUSTOR
SPECIALTY CONFERENCE**
MARCH 28-30, 2001
KANSAS CITY, MO

ENVIRO-MET 2001
APRIL 2-3, 2001
PITTSBURGH, PA

**GUIDELINE ON AIR QUALITY MODELS:
A NEW BEGINNING**
APRIL 4-6, 2001
NEWPORT, RI

**EMERGING SOLUTIONS FOR MANAGING
TITLE V COMPLIANCE**
MAY 21-22, 2001
RALEIGH, NC

2001: AN ENVIRONMENTAL ODYSSEY
JUNE 24-28, 2001
ORLANDO, FL

**EPA-DOE-EPRI COMBINED POWER
PLANT AIR POLLUTANT CONTROL
SYMPOSIUM: "THE MEGA
SYMPOSIUM"**
AUGUST 20-24, 2001
CHICAGO, IL

**MERCURY EMISSIONS:
FATE, EFFECTS, AND CONTROL**
AUGUST 21-23, 2001
CHICAGO, IL

**REGIONAL HAZE & GLOBAL RADIATION
BALANCE CONFERENCE**
OCTOBER 2-5, 2001
BEND, OR

**COATING 2001 - THE PREMIER EVENT
FOR USERS OF INDUSTRIAL COATING
PROCESSES**
OCTOBER 15-17, 2001
ORLANDO, FLORIDA

FOR FURTHER INFORMATION ON THE
SPECIALTY CONFERENCES OR
WORKSHOPS, VISIT THE A&WMA'S
HOMEPAGE AT [HTTP://WWW.AWMA.ORG](http://www.awma.org).

Supreme Court

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This case results from an earlier decision on EPA's new PM 2.5 and 8-hour ozone standards rendered by the D.C. Court of Appeals in which that court determined that the ozone standard could not be implemented because the EPA had not identified an "intelligible principle" for determining what the new 8-hour standard should be.

Several issues were raised on appeal to the Supreme Court by both EPA and the industry petitioners, including whether the Clean Air Act's standard-setting scheme, as interpreted by EPA, was an unconstitutional delegation of Congress' legislative power; whether EPA was required to consider costs when setting an ambient air quality standard; and whether in implementing the 8-hour standard EPA could ignore the process defined by Congress to implement the existing 1-hour standard.

Regarding the constitutional issue, the Court overturned the appeals court decision that the rule was invalid because no "intelligible principle" was provided regarding why the standard was set where it was. The Court determined that Congress' direction to EPA wa

similar to other statutory directives to agencies that have been held constitutional.

On the cost issue, the Court determined that the Clean Air Act does not allow EPA to consider costs when setting such a standard.

Finally, the Court determined that EPA's implementation policy for the 8-hour standard is illegal. The 1990 Clean Air Act Amendments established tiered requirements for ozone nonattainment areas based on the severity of the nonattainment (i.e., marginal, serious, severe, etc.). EPA's policy for the 8-hour standard was essentially to ignore Congress' deadlines and launch a new program altogether. The Court determined that EPA could not utterly ignore the Congressionally mandated Clean Air Act provisions relating to the 1-hour standard when adopting the 8-hour standard, and instructed EPA to develop reasonable implementation provisions of the 8-hour standard to be consistent with the requirements for the 1-hour standard.

The Supreme Court remanded this matter to the D.C. Circuit Court of Appeals for proceedings consistent with its opinion. A copy of the opinion can be found at www.btenv.com/whats_new/.

Central Indiana Technical and Environmental Societies, Inc. (CITES)

30th Annual Environmental Symposium

Valle Vista Golf & Athletic Club
Greenwood, IN

Tuesday, April 24, 2001

For registration info: Rick Lopez (765) 584-3266

Calendar of Events

- April 24, 2001 Central Indiana Technical and
Environmental Societies, Inc.
(CITES) 30th Annual
Environmental Symposium
Valle Vista Golf & Athletic Club
Greenwood, IN
Tuesday, April 24, 2001
- May 25, 2001 A&WMA Annual Meeting
Program and location TBA
- May 31, 2001 A&WMA Annual Golf Outing
Twin Bridges Golf Course
1001 Cartersburg Road
Danville, Indiana

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