



AIR & WASTE MANAGEMENT
ASSOCIATION

SINCE 1907

Indiana NEWS

September 2005

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

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AWMA?”**
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SEMINAR**

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Governor, IDEM Fill Key Environmental Positions

Governor Daniels has selected Kari Evans as Policy Director with responsibility for environmental and labor concerns, including activities of the Department of Environmental Management (“IDEM”), Department of Natural Resources (“DNR”), and the Department of Labor, including the Indiana Occupational Safety and Health Division (“IOSHA”). Evans is an attorney with experience both at IDEM and in private practice working on environmental issues with municipalities, corporations, and individuals. She was with IDEM before and after going to law school, rising to Water Rules Section Chief before joining the private law firm Barnes & Thornburg. In these various roles, Kari gained extensive experience in state and federal rulemaking, enforcement, and interpretation and policy issues. She is well-known to many in the regulated community and at IDEM and DNR, as well as Indiana legislators involved in environmental issues. She is a graduate of the University of Minnesota Law School and attended Miami University (Oxford, Ohio) for her undergraduate degree in environmental science.

(Continued Page 8)

East Central Section Fall Program: Environmental Topics in the Midwest - October 11, Brown County State Park

The East Central Section of the A&WMA invites you to attend the Fall Program at Brown County State Park for updates on cleanup and air issues, hosted by the Indiana Chapter. The daylong seminar will include speakers from IDEM, the Lake Michigan Air Directors Consortium (“LADCO”), the regulated community, and two private law firms.

The technical sessions will be divided into two parts. In the morning will be information and updates on issues involving total petroleum hydrocarbons, soil vapor intrusion, and industrial default cleanup levels under IDEM’s RISC program. After the East Central Section meeting and lunch, afternoon speakers will cover the latest on Title V issues, PM 2.5, and new source review.

Brown County State Park is located about an hour south of Indianapolis near Nashville, Indiana. The Abe Martin Lodge is an ideal setting for the Fall Session – come down ahead of time to enjoy the park, or at least be sure to plan for an afternoon walk after the seminar.

See inside for full agenda and registration form, or register online at <http://www.inawma.org/registration.asp>

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From the Chair

By: Board Chair, Stephen B. Dixon, Delphi Corporation

The Annual Conference and Exhibition in Minneapolis (ACE98) took place in the last week of June. Minneapolis was a great host city for this year's conference. However, I still feel last year's offering here in Indianapolis was one of the best, thanks to the efforts of our Indiana Chapter and Local Host Committee volunteers. The next few years offer some very exciting venues – New Orleans, Pittsburgh, Portland, and Detroit. I hope many of our Chapter members have the opportunity to attend and participate at these events.

Our hearts go out to the people of New Orleans in the wake of the devastation from Katrina. But it is clear that their spirit has not been broken. Their Local Host Committee is still looking forward to hosting next June's conference. Latest news is that the New Orleans Convention Center has cancelled activities only through March, 2006. International A&WMA at this time is telling everyone to still make their plans for New Orleans. For those who attended this past summer's conference, save your New Orleans beads! I'll try to keep you posted on any changes that may develop in the next few months.

One of the highlights of the recent Minneapolis conference was accepting a Chapter Cup award on behalf of the Indiana Chapter. The Chapter Cup is a competition among the various chapters within A&WMA and is based on meeting certain criteria that rate the level of activity of each chapter. We didn't get first place, but our being recognized was a great honor and demonstrates the vitality of our chapter. Thank you, members, for helping us be one of A&WMA's most outstanding units. In future years, I would like to see us be Number 1. However, the Chapter Board will need more of your participation to achieve that goal. I encourage you to step forward and bring your ideas into one or more of the committees.

Our *thanks* to

**Delphi Corporation
&
M3V, LLC**

*for sponsoring the Indianapolis Chapter website,
www.inawma.org*

The “Where’s AWMA” Traveling Trophy

During the Sections & Chapters Council meeting at the Minneapolis annual conference, a traveling trophy (the silver globe) was introduced as part of the march toward the 100th birthday celebration of the Air and Waste Management Association. That birthday will be celebrated concurrent with the Annual Conference and Exhibition (ACE100) to be held in Pittsburgh in June 2007. The trophy, which somehow quickly got the name of “Where’s AWMA”, is going to make the circuit of many of the worldwide chapters and sections as possible prior to the ACE100. The trophy will be like a chain letter to be passed from member unit to unit. Each unit will have a picture taken during a meeting or event with the trophy. These pictures will be displayed at the ACE100 conference to show the extent of growth of the organization in its 100 years, and to recognize the commitment of so many environmental professionals to keeping the A&WMA the premiere environmental association.



It was an honor for the East Central Section, of which the Indiana Chapter is a part, to be the FIRST unit to generate a picture with the trophy. The ECS annual luncheon at Minneapolis provided the venue, as the accompanying picture of happy conference attendees shows.



*East Central Section and Indiana Chapter
Air & Waste Management Association
2005 Annual Meeting and Technical Session*



Tuesday, October 11, 2005 8:30 am – 3:45 pm

Abe Martin Lodge, Brown County State Park, Nashville, Indiana

Environmental Topics in the Midwest – What You Need to Know!

Agenda

Registration		8:30 – 9:00 am
Total Petroleum Hydrocarbons	Bob Moran Indiana Department of Environmental Management	9:00 – 9:45 am
Soil Vapor Intrusion – What is it and Do I Need to Worry About it?	Rod Thompson Indiana Department of Environmental Management	9:45 – 10:30 am
Break		10:30 – 10:45 am
TCE RISC Industrial Default Cleanup Levels (IDCLs) and other revised VOC IDCLs	David Gillay, Esq. Barnes and Thornburg	10:45 – 11:15 am
East Central Section Meeting		11:15 – 11:40 pm
Lunch		11:45 – 12:45
Title V Task Force	Bernie Paul Eli Lilly and Company	1:00 – 1:45 pm
Break		1:45 – 2:00 pm
Anatomy of a Midwestern PM 2.5 episode	Donna Kenski LADCO	2:00 – 2:40 pm
New Source Review Update	Robert Brubaker, Esq. Porter Wright Morris & Arthur	2:40 – 3:30 pm
Closing	Stephen Dixon Chair, Indiana Chapter A&WMA	3:30-3:45 pm

**East Central Section, Air & Waste Management Association
2005 Annual Meeting and Technical Session
Hosted by Indiana Chapter, A&WMA**



AIR & WASTE MANAGEMENT
ASSOCIATION

SINCE 1907



Environmental Topics in the Midwest – What YOU Need to Know!

**Where: Abe Martin Lodge in the Allison Peabody Hall
Brown County State Park, Nashville, Indiana**

The Abe Martin Lodge is located in Brown County State Park. There are two entrances to the park off of State Road 46. For a map of the park, visit

http://www.in.gov/dnr/parklake/properties/park_browncounty.html

The Park entrance fee is covered for pre-registered attendees. When you arrive at the Park gate, tell the attendant you are with Air & Waste Management Association and give your name.

Arrive at Brown County State Park early and enjoy the beautiful fall scenery! Rooms are available at the Abe Martin Lodge for the nights of October 9, 10, and 11. The A&WMA discounted prices for rooms at the Lodge are \$74 per night + tax (two double beds) and \$84 per night + tax (two queen beds).

To reserve a room call 1-877-265-6343, and provide reservation code 14011G5 to obtain the A&WMA group discount pricing. You must make your reservations prior to September 23rd to ensure availability and the discounted price!

When: Tuesday, October 11, 2005
Registration 8:30 – 9:00 am
Technical Program with Lunch 9:00 – 3:45 pm



Cost: \$25.00 Students, Government Employees (member and non-member)
 \$30.00 Members
 \$40.00 Non-members

PAYMENT and Registration due by 10/4/05 at the address shown below.

ON-LINE REGISTRATION IS ENCOURAGED and is available at <http://www.inawma.org/registration.asp>
OR

RETURN THIS REGISTRATION FORM TO: Kristen Belcredi, Keramida Environmental, Inc.

Make Checks Payable to: 330 North College Avenue, Indianapolis, Indiana 46202

Indiana Chapter, A&WMA Phone: (317) 685-6600, Fax: (317) 685-6610

(Sorry, Payment by credit card is not available) e-mail: kbelcredi@keramida.com

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Air Pollution Control Board Rulemakings That Could Affect You

By Jim Hauck, Hatchett and Hauck LLP

As usual, the IDEM and the Indiana Air Pollution Control Board (“APCB”) have a number of rulemaking actions in progress. While some are for important but mundane purposes such as updating references to the Code of Federal Regulations, others may significantly impact regulated facilities by changing requirements or imposing new obligations. This article provides highlights for some of the current APCB rulemaking actions that may impact a large number of sources and provides a short summary to help you decide whether you need to investigate a particular action in more depth.

The actions listed here are selected from the current list of rulemaking actions on IDEM’s website. Related documents and additional information may be obtained at <http://www.ai.org/idem/rules/progress/index.html>.

* * *

Performance Track

#05-232

First Notice of Comment Period published 9/05 (Indiana Register).

IDEM is considering implementing a state version of U.S. EPA’s National Environmental Performance Track Program, which provides incentives for companies that voluntarily go beyond regulatory requirements for protecting the environment and public health. According to the notice, incentives might include “recognition, networking opportunities, low priority for routine inspections, permitting flexibility, and decreased recordkeeping, reporting, and monitoring frequencies.” IDEM is seeking comment on the particulars of such a program and whether it should be implemented through rulemaking or guidance or not at all.

PM 2.5 Designations

#05-77

First Notice 5/05

This rulemaking notice is notable for what it *doesn’t* propose to do. Although many counties were found by U.S. EPA to be in nonattainment of the National Ambient Air Quality Standards (“NAAQS”) for PM_{2.5}, the State of Indiana challenged EPA’s determination in court and requested that EPA reconsider its nonattainment determinations. EPA has since designated Elkhart and St. Joseph Counties as attainment, and IDEM expects that 2004 data will allow EPA to reverse the nonattainment determination for some of the remaining counties. Therefore, the proposed rulemaking would adopt the nonattainment designation for only three counties – Clark, Dubois, and Marion Counties – that have monitored violations of the PM_{2.5} standard. Additional counties may be added to this rulemaking depending on the outcome of EPA’s reconsideration and the judicial appeal.

(Continued to Page 7)

(Rulemaking, continued from Page 6)

VOC and HAP Delistings

#05-79

Final Adoption August 3, 2005. Will be effective 30 days after filing with Secretary of State.

This rulemaking will change and update state definitions to incorporate by reference federal definitions and exclusions of volatile organic compounds (“VOCs”) and hazardous air pollutants (“HAPs”). According to IDEM, these changes will make effective in Indiana exclusions of four compounds currently regulated as VOCs (see rule) and one regulated as a HAP (ethylene glycol monobutyl ether), as well as removing emission limit and content, but not recordkeeping and reporting, requirements for t-butyl acetate, a VOC which EPA intends to further document and study.

Emission Reporting / CERR

#05-78

Second Notice 9/05

This rule would add two pollutants to those required on emission statements filed by Title V sources, sources that emit at least 25 tons per year (“tpy”) of VOC or NO_x in certain counties, and sources that emit at least 5 tpy of lead. The two pollutants are PM_{2.5} and ammonia (NH₃). IDEM stated that the purpose is to provide data that Indiana is required to report to U.S. EPA under the federal consolidated emission reporting rule (“CERR”).

Compliance Assurance Monitoring (CAM)

#04-182

Second Notice 7/05

Under this rule, the federal compliance assurance monitoring (“CAM”) requirements in 40 CFR Part 64 would be incorporated by reference into the state rules. With a few exceptions, CAM requirements apply to units at Title V sources on a pollutant by pollutant basis where the given unit: (1) is subject to an emission limitation on standard for the pollutant; (2) uses a control device to achieve compliance with the limitation or standard; and (3) has potential pre-control emissions of the pollutant of at least the amount required for the source to be classified a major source.

Clean Air Mercury Rule (CAMR)

#05-116

First Notice 6/05

The CAMR rulemaking is a response to U.S. EPA’s March 15, 2005 rule requiring a two-phase program to permanently cap and reduce mercury emissions from coal-fired power plants serving a generator larger than 25 megawatts that produces electricity for sale. Deadlines for reduction levels are 2010 and 2018, and the federal rule establishes a cap and trade system modeled on the Acid Rain Program. Implementation of CAMR involves consideration of a number of significant issues, including consideration of a petition for a more restrictive mercury reduction rule. Additional information is available on IDEM’s website at <http://www.in.gov/idem/air/workgroups/mercury/>.

(Continued to Page 10)

Coating 2005™

INDIANAPOLIS, INDIANA

September 19-22, 2005 • Indiana Convention Center

A&WMA is again co-sponsoring the COATING 2005 Conference & Exhibition, which returns to the heart of the midwest September 19 - 22, 2005 at the Indiana Convention Center in downtown Indianapolis. A&WMA first co-sponsored this event with seven other coating associations when the show debuted in Indianapolis in the Fall 2003 and the surface coating MACT standards were all being issued.

Be sure to drop by the A&WMA booth!

If you have questions about the show, please see the web page at <http://www.thecoatingshow.com>.

Governor, IDEM Fill Key Environmental Positions:

(Continued from Front Page)

Paul Dubenetzky, long-time Permits Branch Chief for IDEM, has been promoted to Acting Assistant Commissioner for the Office of Air Quality. According to IDEM Commissioner Tom Easterly, "Paul brings to this position over thirty years of experience as an engineer, supervisor and manager in nearly all areas of Indiana's air pollution control program beginning in 1973 at the Indiana State Board of Health. Paul possesses a thorough understanding of Indiana's entire air program. He has established professional relationships with other IDEM managers, key staff in state and federal agencies, representatives of industry and has worked effectively with state and local elected officials." IDEM has not yet selected a replacement for Dubenetzky as Permits Branch Chief, a key position for the agency because air permitting is widely considered a significant consideration for economic development efforts.

Recent Graduate and Student A&WMA Member? Free Electronic Membership Available

Are you close to graduation and a current Student Member of A&WMA? If so, the Air & Waste Management Association would like to extend a gift to you to honor your accomplishment. As an A&WMA Student Member and graduating senior (undergraduate, masters, or doctoral) you are entitled to a free one-year electronic membership in the Association. This electronic membership gives you access to all areas of the Web site, including the Journal and EM, plus entitles you to discounts on publications and conference/workshop registrations. This electronic membership will extend for one year after your current membership expires. To take advantage of this one-time gift, please contact A&WMA's Member Services at 1-800-270-3444. Unfortunately, we cannot apply your gift unless we hear from you. Tell your friends and fellow students, and spread the word about the new gift for A&WMA's graduating student members!

Where Have You Gone?

After the Annual Conference and Exhibition in Indianapolis last year, our chapter membership hit an all-time high. If you are a first-time member because you attended the Indy ACE, now is the time to renew your membership to continue receiving all the benefits of A&WMA such as the technical and professional magazines, discount registration fees at technical conferences, and networking events. Remember to renew!

Anniversaries

5 Years

Ronda Hooper
Robert O'Neill
Eugene Paik
Bryan Sheets
Chris Wehner

10 Years

Kristen Belcredi
Ann McIver
Matthew Morris
Willis Overton
Juan Carlos Ramirez-Dorransoro
Stephen Roosz
Valerian Simianu

15 Years

Terry Hogan
Bernard Paul

20 Years

David Jordan

25 Years

Thomas Easterly
David Hitt
Wade Kohlmann

30 Years

Edgar Stresino

(Rulemaking, continued from Page 7)

Clean Air Interstate Rule (CAIR)

#05-117

First Notice 6/05

CAIR was signed by EPA on March 10, 2005 and requires significant reductions in SO₂ and NO_x from fossil fuel-fired power plants. Options for states implementing CAIR cover a variety of approaches, including two-phase annual cap interstate cap and trade programs for SO₂ and NO_x, an ozone season NO_x trading program to replace the current NO_x Budget Trading Program in 326 IAC 10-4, and flexibility to require emissions reductions from power plants, other sources, or both. Additional information on IDEM's approach to the CAIR rulemaking can be found under the heading "Utility Rules Workgroup Meetings" on the mercury rule page listed above.

VOC: degreasers

#05-165

First Notice 7/05

Nine counties in central Indiana were designated by U.S. EPA as nonattainment for the 8-hour ozone standard: Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby. IDEM has been working with the Central Indiana Air Quality Advisory Group (CIAQAG), which recommended VOC controls on commercial and industrial degreasing operations as a part of the state implementation plan to reach compliance with the 8-hour standard. This rulemaking would implement controls by bringing covered sources in the nine counties within the current rules for degreasers at 326 IAC 8-3-1 and 326 IAC 8-3-8.

VOC: fiber reinforced plastic composites

#05-166

First Notice 7/05

Under 326 IAC 8-1-6, sources with a potential to emit ("PTE") at least 25 tpy of VOCs and not covered by another provision of 326 IAC 8 must establish and implement best available control technology ("BACT"). The controls required by the federal National Emission Standards for Hazardous Air Pollutants ("NESHAPs") subparts WWWW (reinforced plastic composite producers) and VVVV (boat manufacturers) regulate styrene emissions and have been shown through multiple case-by-case determinations to constitute BACT for styrene as a VOC. This rulemaking would make the 8-1-6 BACT requirement no longer applicable to sources covered by either of the above NESHAPs.

VOC: Four source categories

#05-197

First notice 8/05

The first part of this rulemaking is for a reason similar to that above. Four new categories of sources would be added to 326 IAC 8-5 to regulate facilities in those categories in lieu of requiring case-by-case BACT determinations under 326 IAC 8-1-6. The four new categories would be: ethanol production, foundry core operations, heatset web offset lithographic printing presses, and soybean oil extraction. The notice lists control options IDEM is considering in the rulemaking.

(Continued to Page 11)

(Rulemaking, continued from Page 10)

The second part of this rulemaking would add to the applicability of 326 IAC 8-1-6 any facility (irrespective of facility PTE) located at a source with VOC emissions greater than 25 tpy and located in an ozone nonattainment area. Currently, the BACT requirement applies to individual facilities with a PTE of at least 25 tpy.

326 IAC 8-2/8-3 Updates

#05-229

First Notice 9/05

This action is considered by IDEM to be a “cleanup rulemaking,” and IDEM states that it is not intended to alter any standards or compliance requirements in these VOC rules. A change would be made regarding an exemption for certain casket manufacturers. Other changes would remove references to outdated exemptions or other provisions, consolidate redundant sections within 326 IAC 8-3, and add to the list of approved application systems under 326 IAC 8-2-12 (wood furniture and cabinet coating).

NOx SIP Call – Phase II

#04-200

Final Adoption Hearing scheduled for 10/5/05

This second phase of the NOx SIP Call rule regulates certain stationary internal combustion engines, all of which in Indiana are associated with pipeline operation. In addition, the rulemaking changes some of the provisions of the NOx SIP Call Phase I rule at 326 IAC 10-3 and 10-4, with various effects (see draft rule in the May 2005 APCB board packet at <http://www.ai.org/idem/rules/packets/air/may/index.html>).

Group 6 NESHAPs

#04-181

Second Notice 10/04; Change in Notice of Hearing published 7/05 stating that the hearing has not been rescheduled.

This rulemaking would adopt the federal NESHAPs for Surface Coating of Miscellaneous Metal Parts and Products (subpart MMMM) and Surface Coating of Plastic Parts and Products (subpart PPPP) but would add a requirement for training for employees of covered facilities on proper application, equipment cleaning, and setup and adjustment for minimizing material usage and overspray.

Boiler MACT

#05-23

First Notice 3/05

This rulemaking would bring into state rules the federal NESHAP for Industrial/Commercial/Institutional Boilers. A number of potential alternatives and/or additions to incorporation by reference were announced in the First Notice (see Notice via “Rules in Progress” page link above). IDEM has conducted stakeholder meetings and expects to publish a Second Notice this fall.

* * *

Please note that a complete description of the rulemaking actions listed is not possible in the scope of this article, and actions in progress before the APCB but not covered here may have significant effects on requirements for one or more facilities. This article is not meant to provide legal advice nor should it be construed as such. Although the article is intended to provide up-to-date information, the information contained in this presentation may not reflect the most current developments.

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All cancellations must be received in writing. A \$25 processing fee will be charged for all cancellations. Cancellations received after October 4, 2005, will be issued a credit certificate, less a \$25 processing fee. Credits can be used toward any future Indiana Chamber conferences for up to one year. Credit is fully transferable. Substitutions are welcome at anytime, but requested in advance of the conference.

IndianaChamber.

**The Voice of
Indiana Business.™**

The Conference will be held at the Crowne Plaza Hotel and Conference Center, located at 123 West Louisiana Street, in downtown Indianapolis. For special discounted overnight room rates, please call the Crowne Plaza at (317) 631-2221. Please state you are attending an Indiana Chamber of Commerce seminar (subject to availability).

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Newsletter of the Indiana Chapter

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