



**AIR & WASTE MANAGEMENT
ASSOCIATION**
SINCE 1907

Indiana NEWs

July 2006

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

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Environmental Law

Current Developments in MACT Standards

*By: David Jordan and
Thomas Rarick, ERM*

While USEPA has completed the development of technology-based Maximum Achievable Control Technology (MACT) standards for all source categories, considerable work remains to be done under Section 112 of the Clean Air Act (CAA). USEPA is evaluating revisions to MACT standards and possible new rules under residual risk and area source provisions of the CAA.

Section 112(f) of the CAA requires that USEPA evaluate the technology-based MACT standards "... in order to provide an ample margin of safety to protect public health." To date, USEPA has proposed rules for seven source categories (including, most recently, standards for Hazardous Organic NESHAP [HON] sources) and finalized standards for five of these. Although most MACT source categories remain to be evaluated, the criteria which USEPA plans to use in determining whether more stringent standards are necessary is now evident, and includes the following provisions:

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Air Pollution Control Board Rulemakings in Progress – Upcoming Rules that Could Affect You

*By Jaime K. Saylor,
Hatchett & Hauck LLP*

Below is a summary of selected current Air Pollution Control Board rulemaking actions, some of which may significantly impact regulated facilities by changing current obligations or imposing new ones. Included are rulemaking actions that may affect a large number of sources, with a short summary to help the reader decide if further investigating into a particular rulemaking is needed.

The rulemakings listed here are selected from the current list of rulemaking actions on IDEM's website; go to <http://www.in.gov/idem/rules/progress/index.html> to find related documents and additional information.

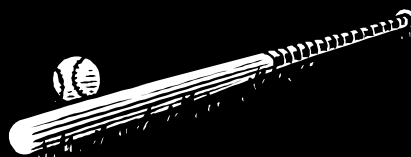
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AUGUST 16, 2006

**Indiana Chapter, Air & Waste
Management Association
NETWORKING EVENT**

Indianapolis Indians
vs.
Norfolk Tides

*See Details &
Registration Inside*



2006-2007 Indiana Chapter Executive Board

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From the Chair

By: Board Chair, Kristen Gobbi-Belcredi, Keramida Environmental

The Annual Conference and Exhibition from June 20 – 23, 2006 was a success in New Orleans. We can all be proud of the fine international leadership we have from the top to each and every member. Peter Hess, the current President of A&WMA, played a major role in raising \$200,000 that will go toward local rebuilding efforts related to Hurricane Katrina. In addition, A&WMA was the first mid-size convention that New Orleans has had since the hurricane, and the local government expressed their appreciation many times.

The 2007 ACE is in Pittsburgh and will celebrate the association's centennial anniversary. The Indiana Chapter intends to participate at a Chapter level with creative ways of commemorating the occasion throughout the year. More to come!

The next meeting for the Chapter will be a Networking Event, similar to last summer. Time for fun! This is a good opportunity to network with clients or show employee appreciation. We will be reserving seats for the August 16, 2006 baseball game at Victory Field in Indianapolis where the Indians will play the Norfolk Tides at 2pm. We will have lunch at 12:30. This was a popular event last year and we hope to make it an annual event.

The Golf Outing on May 25, 2006 was our most successful event in many years. The revenue from the event will mainly go toward funding scholarships over the next several years. Most recently, the A&WMA Board approved a \$1,000 contribution to the John Blanford fund at the Purdue School of Civil Engineering.

Our spring Technical Meeting focused on the evaluation of risk in the environment and included two facility tours as well. Our thanks go to our speakers, hosts, and all the volunteers who helped with the meeting. Remember, there are always opportunities to join one of our Indiana Chapter committees and help with the work done by the Chapter. Please feel free to contact me or any of your Chapter Board members to let us know how you would like to become more involved.

Our *thanks* to

M3V, LLC

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

Indiana Proposes New Rule for Meth Lab Cleanups, Liability

By: Thomas W. Baker, Hatchett & Hauck LLP

As a part of the State of Indiana's comprehensive approach to the methamphetamine epidemic sweeping the nation, the Indiana Department of Environmental Management ("IDEM") is undertaking rulemaking activity regarding the environmental investigation and remediation of suspected meth lab sites. This rulemaking, required by Senate Enrolled Act 444 § 6 (effective July 1, 2005), will impact owners of sites with meth labs and environmental professionals that aid in investigation and cleanup. The proposed rule may be found in the Indiana Register at 29 IR 3072 (June 1, 2006).

The proposed rule includes three major components. First, owners of property would be held responsible for cleanup, regardless of their culpability (or lack of culpability) in creating the meth lab. Also, environmental professionals would need to be certified to perform investigations and abatement activities. Finally, standards for cleanup are set forth.

The proposed rule indicates that an owner of a property on which a meth lab was located is responsible for cleanup. 318 IAC 1-3-2. Neither the rule nor the authorizing legislation explains the means by which this liability will be enforced or whether public agencies or private individuals may bring legal action to require cleanup. In practice, county health departments, zoning authorities, or other local agencies might use the proposed cleanup standards to prohibit occupancy or other use of property formerly containing meth labs that have not been cleaned up.

Decontamination or other cleanup activities may not be undertaken by any person that is not a "Qualified Inspector" as established by the proposed rule. 318 IAC 1-4 lays out the various requirements for becoming a Qualified Inspector, including experience in decontamination activities, federal training concerning hazardous materials, receipt of training provided by IDEM, passing an IDEM-administered examination, and maintenance of certain minimum insurance. IDEM will be responsible for establishing and maintaining the Qualified Inspector list.

Finally, the rulemaking developed standards for the decontamination of property containing a meth lab. Indiana is using surface contamination level standards for cleanup (in units of micrograms per cubic centimeter) for end product drugs such as methamphetamine, ecstasy, and PCP, as well as precursor ingredients such as ephedrine and pseudo-ephedrine. 318 IAC 1-5-2(d). While cleanup is required for any contamination outside of a structure in soil, specific cleanup standards for contamination in soil or groundwater have not been developed. 318 IAC 1-5-3. Indiana therefore contemplates that the majority of cleanups will occur in structures, as opposed to in the environment. This approach differs from other states such as Colorado, which provide for environmental cleanup standards in soil and groundwater, but do not provide for surface contamination cleanup levels that can be detected by wipe samples. Additionally, Indiana provides cleanup standards only for end products of clandestine drug making operations, and does not provide cleanup standards for several of the precursor ingredients used or waste products created in drug manufacture.

As an additional issue of interest to environmental professionals, Indiana's new meth law requires the reporting of meth labs to the State Police Department via the "Indiana State Police Methamphetamine Laboratory Occurrence Report." IND. CODE § 5-2-15-3. It may be prudent to search these records as a part of environmental site assessment activities associated with property transactions or financing. Currently, the Indiana State Police Methamphetamine Suppression Section appears to be collecting these records. This section may be reached via telephone at 317-234-4591.

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As the science and practical considerations of meth lab cleanups evolve, the regulatory programs and approaches of other states may be valuable resources to utilize as guidance for performing meth lab investigations and cleanups. IDEM specifically looked to existing programs in Alaska, Colorado, and Oregon for guidance in developing the Indiana standards. Because of the great disparity in regulatory approaches in other states and the evolving science behind health-based exposure levels to methamphetamine, other drugs, and drug precursors, this promises to be an evolving area of interest to environmental professionals.

Thomas Baker is an attorney with Hatchett & Hauck LLP. Tom was formerly the Remediation Counsel Section Chief with the Indiana Department of Environmental Management. He can be reached at (317) 464-2624 or tom.baker@h2lawyers.com.

Current Developments in MACT Standards

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Defining “Ample Margin of Safety” (AMOS): In rules proposed to date, U.S. EPA is accepting risk levels below one in a million as meeting AMOS and those which are in excess of 100 in a million as unacceptable. Risk levels which fall between these levels are evaluated based on case-by-case basis depending upon whether more stringent controls are available or cost effective.

Evaluating AMOS: EPA is including background concentrations in determining ground level concentrations and is limiting its analysis to sources within the category being evaluated.

Compliance Timeframe: U.S. EPA is providing a three-year period (after the effective date of any new standards) for sources to comply with any revised MACT standards.

Case-by-Case Assessments: U.S. EPA is not, thus far, proposing that individual sources make a demonstration that no further controls are needed based on site-specific risk assessments.

U.S. EPA staff indicated at the recent AWMA meeting in New Orleans that they plan to “bundle” some of the remaining source categories to try to meet overall deadlines under Section 112.

U.S. EPA is also working on standards to address area source provisions of the CAA under 112(k). Area sources are sources that are not “major sources” for Hazardous Air Pollutants (HAPs) and would include sources that are either true “minor sources” or sources that have accepted restrictions to limit HAPs to less than the major source levels. These sources may be covered by new regulations that will be developed over the next few years. The provisions of Section 112(k) are aimed at significantly reducing total emissions of 30 or so high-priority HAPs. Some of the MACT standards such as the standards for Secondary Aluminum Production, Chrome Plating, Perchloroethylene Dry Cleaning, and Halogenated Solvent Cleaning have already addressed area sources, but there are a number of additional source categories for which rules are now being developed. EPA has listed some 70 source categories that may be addressed through the area source provisions of the CAA. Thus far, U.S. EPA is developing rules with the intent that rules would apply to sources in a category regardless of the source’s location. Industry groups have commented, however, that such rules should be applicable only to sources located in “urban areas” based on the wording of 112(k).

Dave Jordan and Tom Rarick are Air Program Directors in ERM’s Carmel, Indiana office. Both have been involved in air regulatory issues in Indiana for a number of years. Dave can be reached at (317) 706-2006, or david.jordan@erm.com and Tom can be reached at (317) 706-2003, or tom.rarick@erm.com.

Centennial Planning Underway

By: David Hoffman

“We’ve already initiated a number of exciting opportunities to recognize our 100th year of existence,” states Anne Heighway, outgoing member of A&WMA’s Board of Directors, “and the door is open for many more activities across the whole spectrum of the Association.”

Having existed longer than the Indy 500 and well over a half-century before Earth Day, our Association and its predecessor organizations have a long and rich history, so much so that A&WMA recently commissioned an Indianapolis-based organization to prepare a sixty page history of the Association. The soft-bound book will be presented to everyone attending the Centennial Annual Conference & Exhibition in Pittsburgh next June.

“That’s just one example of the many action items planned,” according to Eli Lilly’s Heighway. She recently presented the Centennial Committee’s Interim Report to the Association’s Board of Directors in New Orleans on behalf of the Centennial Committee’s Chair.

Other planned activities include a student essay competition, a \$10,000 Centennial Scholarship, and an already completed Student Logo contest. In addition to displaying posters provided by participating Section/Chapters, the Centennial Committee is exploring the production of Centennial merchandise, a PowerPoint history for use by Sections & Chapters, Centennial logo podium banners, and other items to assist them in promoting the Association’s Centennial. Technical Council and the Exhibitors will explore featured technical sessions and many more Annual Conference activities to promote the Centennial.

“It’s also a unique opportunity,” adds current Indiana Chapter Chair, Kristen Belcredi of Keramida Environmental, “for our Hoosier members to recommend ways to help celebrate our own Chapter’s successes over the years.”

“If any members have Centennial ideas for a Chapter celebration, please contact any of our Indiana Chapter Board of Directors,” requested Belcredi, “and by all means if anyone has any really old photographs that could be used for our Centennial poster display or the history book, the Board would love to hear from you.”

Dave Hoffman is a retired electric utility executive and a Past President of A&WMA. Dr. Hoffman can be reached at (317) 834-1241 or DrHoffmanD@aol.com.

Congratulations to our new QEPs!

Todd Haley, Eli Lilly and Company (2006)
Bryan Sheets, Eli Lilly and Company (2006)

Breck Schmidlkofer, Eli Lilly and Company (2006)
Susan A. Harris, Astbury Environmental Engineering, Inc. (2006)

The three environmental engineers at Eli Lilly and Company formed a study group in order to prepare themselves for the Qualified Environmental Professional (QEP) exam. Over a period of months they met during lunch hours working through the various study guides available from the Institute for Professional Environmental Practice (IPEP) and Air & Waste Management Association (A&WMA). Obviously it worked for them!

Indiana now has 19 active QEPs. Let the Indiana Chapter know how we can help you reach this goal. Some of the study guides are available on loan from the Chapter upon request. Please contact Bryan Sheets, Vice-Chair and Membership Chair, for additional information. Contact information is on the Indiana Chapter website at www.inawma.org.

Send a strong signal to clients, employers, prospects and colleagues. Become a QEP.

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The QEP

is the first and only credential of its kind. It is a multi-media, multi-disciplinary, fully accredited credential that requires environmental professionals to see "the big picture" and to have the skills and knowledge to solve "real world problems".

Through the QEP certification, environmental professionals demonstrate the breadth and depth of their knowledge and experience. **They also agree to abide by IPEP's Code of Ethics.**

The QEP is distinguished from other certifications by its cross-disciplinary nature, its qualifying education prerequisites, its rigorous application and examination process, and by its continuing education requirements for recertification. The QEP establishes standards for the environmental professional and provides a career track for new professionals entering the field. It does not take the place of specialized certifications or registrations, but rather is a unique credential that serves to link and coordinate environmental practice.

The QEP is committed to:

- A strict code of ethics,
- High standards of environmental practice,
- Ongoing professional development, and
- Community and professional contributions.

The QEP has demonstrated:

- Ability to solve complex environmental problems,
- Awareness of multi-media impacts,
- Understanding of broad based, multi-disciplinary environmental issues, and
- In-depth knowledge in your area of professional practice.

IPEP is supported by the following Participating Organizations:

- [*Air & Waste Management Association*](#)
- [*American Academy of Environmental Engineers*](#)
- [*American Industrial Hygiene Association*](#)
- [*National Association of Environmental Management*](#)
- [*Solid Waste Association of North America*](#)
- [*Water Environment Federation*](#)

IPEP is supported by the following Affiliating Organization:

- Carolinas Air Pollution Control Association

IPEP offers two options for QEP examination. A 90-minute oral exam is available for those candidates with at least 15 years of professional experience. There is also a two-part written exam for those candidates with more than 5 years, but less than 15 years of professional experience. The written exam tests candidates knowledge of general environmental science and also in a specialty discipline of their choosing. Choices include: Air Quality, Water Quality, Waste Management, or Environmental Science Management and Policy.

ORAL EXAM REQUIREMENTS:

- A baccalaureate degree in physical, earth, or natural sciences, engineering, or mathematics.
- At least 15 years of subsequent professional environmental work experience acceptable to IPEP, demonstration of which at least 10 years in a position of responsible charge. and,
- At least one of the three required references being supplied by a QEP.

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WRITTEN EXAM REQUIREMENTS:

- A baccalaureate or equivalent degree in physical, earth or natural sciences, engineering, or mathematics.
- At least 5 years of subsequent professional environmental work experience.

OR

- 8 subsequent years of professional environmental work experience with a baccalaureate degree in a discipline other than those listed above.

IPEP has published a free examination guide, outlining the subject material, to assist individuals in preparing for the written exam. [QEP/EPI Examination Guide](#) The Air & Waste Management Association also offers a course to assist individuals in preparing for the QEP and EPI written examinations. [Environmental Review Course](#)

For more information, please contact: IPEP, 600 Forbes Avenue, 333 Fisher Hall, Pittsburgh, PA 15282, (412) 396-1703, FAX (412) 396-1704, E-mail: ipep@duq.edu

AUGUST 16, 2006



Indiana Chapter, Air & Waste Management Association
Networking Event



12:30	Pick-up Tickets from A&WMA Coordinator at Will-Call Area, Main Gate Victory Field
12:30 - 2:00	Picnic at Victory Field
2:00	Indianapolis Indians vs. Norfolk Tides Baseball Game

To attend this event, you **MUST** pre-register and pay by August 9, 2006. No walk-in registrations will be accepted.

Picnic lunch includes: hamburgers, hot dogs, bbq chicken, pasta salad, baked beans, cookies, and beverages (vegetarian burgers available upon request – please make a note on your registration form if you prefer a vegetarian burger)

**Great Client / Employee
Appreciation Opportunity!**

Indiana Chapter, Air & Waste Management Association



AIR & WASTE MANAGEMENT ASSOCIATION INDIANA CHAPTER

A&WMA Networking Event

Where: **Victory Field**
Corner of Washington St. and West St., Indianapolis, IN

When: **Wednesday, August 16, 2006**
Registration 12:30
Networking Event 12:30 – 2:00 pm

**All Attendees MUST register and pay by Wed. August 9, 2006.
NO walk-in registrations will be accepted.**

Cost:

- \$30.00 Students, Government Employees (both member or non-member), Members and guests of members**

- \$35.00 Non-members**

NAME: _____

COMPANY: _____

Address: _____

Phone: _____ E-mail address: _____

Number of Guests and Names: _____

RETURN REGISTRATION AND PAYMENTS by 08/09/06 TO: Julie Baker, Keramida Environmental, Inc.
Make Checks Payable to: 401 North College Avenue, Indianapolis, Indiana 46202
Indiana Chapter, A&WMA Phone: (317) 685-6600, Fax: (317) 685-6610
e-mail: jbaker@keramida.com

On-Line Registration at www.inawma.org

*Air Pollution Control Board Rulemakings in Progress –
Upcoming Rules that Could Affect You
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Environmental Stewardship Program and Comprehensive Local Environmental Action Network

#05-232

Second Notice of Comment Period published June 1, 2006 (Indiana Register). Preliminary Adoption scheduled for October 4, 2006.

IDEM is still in the process of drafting rules to establish and maintain the Environmental Stewardship Program (“ESP”) for Indiana businesses. This Indiana version of U.S. EPA’s National Performance Track Program would reward companies that voluntarily and consistently exceed regulatory requirements and commit to protecting the environment and public health. As part of this rulemaking, IDEM has also proposed an equivalent program for local governments called the Comprehensive Local Environmental Action Network (“CLEAN”). IDEM released draft rule language, including application and membership requirements, for both programs in the June 1, 2006 Indiana Register. In order to provide regulatory flexibility for ESP and CLEAN members, the draft rules also incorporate by reference the federal incentives for National Environmental Performance Track members.

PM Standard Definition

#05-235

Final Adoption December 7, 2005. Effective date: 30 days after March 6, 2006. Final Rule published April 1, 2006 (Indiana Register).

This rulemaking makes a few technical amendments to specified reference measurement conditions for the measurement of particulate matter. These changes at 326 IAC 1-3-4 make the state reference measurement conditions consistent with the federal requirements of 40 CFR § 50.3.

PM 2.5 Designations

#05-77

First Notice of Comment Period published May 1, 2005 (Indiana Register).

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.

Delisting of Methyl Ethyl Ketone (“MEK”)

#06-19

Proposed Rule published April 1, 2006 (Indiana Register). Final Adoption May 3, 2006. Will be effective 30 days after filing with Secretary of State.

On December 19, 2005, the U.S. EPA published in the Federal Register a final rule that delisted methyl ethyl ketone from the list of hazardous air pollutants (“HAPs”) found at Section 112(b)(1) of the Clean Air Act. To make the state rules consistent with federal regulations, this APCB rulemaking incorporates by reference the amended HAPs list.

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VOC and HAP Delistings

#05-79

Final Adoption August 3, 2005. Effective date: 30 days after October 20, 2005. Final Rule published December 1, 2005 (Indiana Register).

This rulemaking changes and updates 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 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.

Lake County SO₂ Redesignation and Revocation of the 1-hour Ozone Standard; Redesignation of Counties to Attainment for the 8-hour Ozone Standard.

#06-18

Final Adoption May 3, 2006. Re-adoption scheduled for August 2, 2006.

In late 2005 and early 2006, the U.S. EPA acknowledged that Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties have achieved compliance with the health-based 8-hour ozone standard under the National Ambient Air Quality Standards (“NAAQS”). The U.S. EPA also recognized that Lake County achieved compliance with the health-based NAAQS for sulfur-dioxide. This APCB rule merely incorporates by reference these recent rulemakings by the U.S. EPA. This rulemaking also incorporates by reference the U.S. EPA’s rule revoking the old designations under the discarded one-hour standard for ozone.

Emission Reporting/CERR

#05-78

Final Adoption March 1, 2006. Effective 30 days after filing with Secretary of State.

For Title V sources, sources that emit at least 25 tons per year (“tpy”) of VOCs or NO_x in Lake, Porter, or LaPorte counties, and sources that emit at least 5 tpy of lead, this rule adds PM_{2.5} and ammonia (NH₃) to the list of pollutants required to be reported on emissions statements filed by these sources. IDEM made these updates to be consistent with the reportable pollutants in the U.S. EPA’s consolidated emission reporting rule (“CERR”).

Compliance Assurance Monitoring (“CAM”)

#04-182

Final Adoption March 1, 2006. Final rule published July 1, 2006 (Indiana Register). Effective 30 days after May 31, 2006.

This new rule incorporates by reference the U.S. EPA’s Compliance Assurance Monitoring (CAM) rule found at 40 CFR Part 64 and includes an amendment added after the second comment period that states the definitions in 40 CFR 64 will take precedent over any conflicting definitions in 326 IAC 3-4-1 concerning compliance assurance monitoring. With some exceptions, CAM requirements apply to pollutant-specific emissions units at Title V sources that: (1) are subject to an emission limitation or standard for that pollutant; (2) use a control device to achieve compliance with the emission limitation or standard; and (3) have potential pre-control device emissions of the pollutant that are equal to or greater than the amount required for a source to be classified as a major source.

Monitoring Requirements

#05-330

First Notice of Comment Period published December 1, 2005.

IDEM is contemplating making some technical corrections and clarifications to the emissions monitoring requirements at 326 IAC 3 and 326 IAC 7, including clarification of the quality assurance requirements that apply to flow monitors, reinstatement of requirements for reporting malfunctions of continuous monitoring equipment, clarification of data availability requirements concerning continuous emission
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monitoring systems (CEMS), corrections to 326 IAC 3-6 to include references to source sampling procedures conducted under 40 CFR 61, clarification of requirements in 326 IAC 3-6-5 for source testing to demonstrate compliance with the limit on PM₁₀, and removal of 326 IAC 7-2-1(f) due to the adoption of the credible evidence rule in 326 IAC 1-1-6. IDEM proposes a revision to 326 IAC 3-5 to allow peaking units subject to the acid rain provisions of 40 CFR Part 75 to comply with the CEM provisions in that part rather than those under the New Source Performance Standards in 40 CFR Part 60. Currently, peaking units that must operate a CEMS to comply with 40 CFR 60 or 326 IAC 3-5 must perform an annual relative accuracy test and quarterly quality assurance functions. Because peaking units are not always operating, IDEM feels that a requirement that they be started solely to conduct quality assurance functions is unnecessary. Finally, this rulemaking will also include changes previously found deficient by U.S. EPA in order to obtain approval of the monitoring rules into the state implementation plan. Specifically, U.S. EPA found that language providing for “Commissioner’s discretion” could have the effect of allowing the Commissioner to remove or modify federally enforceable requirements.

Burning Regulations: Exemptions for Certain Fuels for Fire Extinguisher Training

Second Notice of Comment Period published May 1, 2006 (Indiana Register). Public hearing scheduled for August 2, 2006.

These changes would provide exemptions for the use of natural gas, methane, and propane for fire extinguisher training. Currently, portable containers filled with not more than fourteen gallons of fuel such as kerosene, gasoline, or diesel fuel are permitted for fire extinguisher training. The amendments would allow sources some flexibility by allowing use of alternative clean burning fuels. Under the proposed rule, natural gas and methane daily usage would be limited to 29,700 cubic feet and the amount of propane daily usage would be limited to 212 gallons to limit oxides of nitrogen (NOx) emissions. These usage limits are to ensure that NOx emissions from propane, methane, and natural gas will not exceed the amount of NOx emissions from using fourteen gallons of clean petroleum products.

Outdoor Wood Furnaces

#05-332

Continuation of First Notice of Comment Period published February 1, 2006 (Indiana Register).

Due to drastic increases in heating costs in some areas, many homeowners have recently turned to outdoor wood furnaces to heat their homes. However, because of the inherent design of these boilers, particulate matter, carbon monoxide, polycyclic aromatic hydrocarbons (PAH), and other pollutants are emitted at ground height at much higher levels than those emitted by other types of home heat sources. As a result, IDEM has received many complaints from the public. Outdoor wood boilers located in nonattainment areas could also be a concern to facilities located within these areas, because of their potential negative impact on air quality in these areas; facility openings or expansions could be made more difficult if the air quality continues to decline. Alternatives to be considered in this rulemaking are the following: establishing emissions standards for outdoor wood boilers; restricts types and use of outdoor wood boilers; ban or partial ban on types of outdoor wood boilers; a combination of the former alternatives; or, no action at the state level.

VOC: Central Indiana Organic Solvent Degreasing Operations

#05-165

Second Notice of Comment Period published December 1, 2005 (Indiana Register).

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.

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VOC: Reinforced Plastic Composites

#05-166

Final Rule published July 1, 2006. Effective 30 days after May 25, 2006.

This rule exempts both boat manufacturing facilities and reinforced plastics composites production facilities from 326 IAC 8-1-6. In Indiana, new facilities that are not regulated by a provision of the volatile organic compound (“VOC”) rules found at 326 IAC 8 and that have potential emission of 25 tons or more per year of VOC are required to reduce VOC emissions using best available control technology (BACT). This rule exempts these two styrene-emitting sources that are subject to the maximum achievable control technology (MACT) standards at 326 IAC 20-48 (incorporating by reference subpart VVVV for boat manufacturing) or 326 IAC 20-56 (incorporating by reference subpart WWWW for reinforced plastics composites production), from 326 IAC 8-1-6, provided they are in compliance with the applicable MACT standard. According to IDEM, this change will make it easier to plan projects at these facilities because a BACT analysis will no longer be required.

VOC: Three Source Categories

#05-197

Second Notice for Public Comment Period published May 1, 2006. Scheduled for preliminary adoption on August 2, 2006.

This rulemaking proposes three new categories of sources to be added to 326 IAC 8-5 to regulate sources in those categories. Currently, facilities in the three categories are required to undergo the more time- and resource-intensive individual BACT determinations for each facility pursuant to 326 IAC 8-1-6. This rulemaking originally proposed four new categories of sources, but of the four – foundry core making operations, fuel grade ethanol production, heatset web offset lithographic printing operations, and soybean oil extraction – IDEM has decided after the first round of comments to not to specify BACT for soybean oil extraction operations at this time. Those operations, where applicable, will continue to be subject to the requirements of 326 IAC 8-1-6. IDEM has stated it will propose BACT for soybean oil extraction operations in a future rulemaking. The draft rule language for the remaining categories sets out the control requirements IDEM is considering.

326 IAC 8-2/8-3 Updates

#05-229

First Notice of Comment Period published September 1, 2005 (Indiana Register).

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 Rule published March 1, 2006 (Indiana Register). Effective 30 days after filing with the Secretary of State.

This rule puts into effect the second phase of the NOx SIP Call by regulating certain types of stationary internal combustion engines. These types of engines are used in pipeline operation in Indiana. The new rule 326 IAC 10-5 applies to any person who owns or operates a large reciprocating stationary internal combustion engine that emitted more than one ton per average ozone season day during the baseline period of May 1, 1995 to September 30, 1995. Additionally, amendments to existing rules 326 IAC 10-3 and 326 IAC 10-4 were also made, including changes to the definitions of “continuous emissions monitoring”, “electric generating units (EGU)”, and “large affected unit”, amendments to the energy formula at 326 IAC 10-4-9)(e)(3)(C)(vi), and typographical and formatting changes.

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Central Indiana: Low Reid Vapor Pressure Rule

#05-267

Second Notice of Public Comment Period published January 1, 2006 (Indiana Register).

Because nine counties in Central Indiana (Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby) are designated as nonattainment for the eight-hour ozone standard, IDEM is proposing a lower Reid Vapor Pressure (RVP) fuel requirement in this nine county region during certain months of the year. Currently, the gasoline supplied to this region has an RVP of 9.0 pounds per square inch (psi). IDEM proposes the use of a lower RVP gasoline of 7.0 psi to provide VOC reductions. Fuel with a lower RVP reduces VOCs by reducing hydrocarbon emissions from gasoline. According to IDEM, these reductions could provide an annualized reduction of VOCs of up to nine hundred thirty-two (932) tons per year from on-road mobile sources alone.

Asbestos and Lead Program Updates

#05-351

First Notice of Public Comment Period published January 1, 2006 (Indiana Register).

IDEM is proposing amendments to the rules concerning asbestos and lead-based paint license renewals at 326 IAC 14-10, 326 IAC 18, and 326 IAC 23. Pursuant to the federal Asbestos Hazard Emergency Response Act and the Asbestos School Hazard Abatement Reauthorization Act, Indiana adopted a new article to the air rules addressing asbestos removal in schools. These rules at 326 IAC 18 provided standards both for the training of persons performing asbestos-related work in schools, public, and commercial buildings, and to obtain accreditation to demonstrate proficiency as a prerequisite for performing this work. Next, to ensure compliance with 40 CFR 745, "Lead: Requirements for Lead-Based Paint Activities in Target Housing and Child Occupied Facilities; Final Rule (August 29, 1996) and the Toxic Substances Control Act, Section 402, House Enrolled Act 1181, enacted in 1997, required IDEM to establish a lead-based paint program to ensure that a person conducting lead-based paint activities in certain housing and child-occupied facilities does so in a manner that protects the health of the building's occupants, especially children six (6) years of age and younger. Article 326 IAC 23 requires persons or contractors who engage in lead-based paint activities to obtain a license from IDEM and specifies record keeping, work practice standards, testing requirements, and fees for licensing of individuals, contractors, and approval of training courses. The program is similar to the accreditation program for asbestos. The intent of the proposed rulemaking is to clarify and standardize the application, notification, and licensing processes for these two programs. Other proposed amendments include changing the term "accreditation" to "license", adding IDEM as a certificate holder on contractor insurance certificates, and setting standards for time lapses between courses.

Steel Pickling NESHAP

#05-236

Final Rule published May 1, 2006 (Indiana Register). Effective 30 days after March 14, 2006.

This new rule incorporates by reference the NESHAP for steel pickling hydrochloric acid process sources and hydrochloric acid regeneration plants, 40 CFR Part 63, Subpart CCC. The new rule is found at 326 IAC 20-29. The rule is a straight incorporation by reference and does not add any additional requirements.

Group 6 NESHAPS

#04-181

Proposed Rule published April 1, 2006 (Indiana Register). Final adoption June 7, 2006. Effective 30 days after filing with Secretary of State.

This new rule incorporates by reference the NESHAPs for Surface Coating of Miscellaneous Metal Parts and Products (40 CFR 63, Subpart MMMM) and Surface Coating of Plastic Parts and Products (40 CFR 63, Subpart PPPP). The new rules are found at 326 IAC 20-80 and 326 IAC 20-81.

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Although IDEM originally proposed additional operator training requirements as part of the rulemaking, those additional requirements were removed prior to final adoption of the rule. The rule is a straight incorporation by reference, and does not add any additional requirements.

Boiler MACT

#05-23

Final Adoption June 7, 2006. Effective 30 days after filing with the Secretary of State.

This new rule incorporates by reference the NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters (40 CFR 63, Subpart DDDDDat 69 FR 55218). The new rule is found at 326 IAC 20-95. This rulemaking adds an amendment providing that under 326 IAC 3-6 a test protocol form for an emissions test is due thirty-five (35) days before the intended test date. The new rule also adopts the U.S. EPA's provision that allows sourcewide averaging as a method for complying with the rule.

Clean Air Interstate/CAIR

#05-117

Proposed Rule published July 1, 2006 (Indiana Register). Preliminary Adoption June 7, 2006. Final Adoption scheduled for November 1, 2006.

The Clean Air Interstate Rule (CAIR) requires 28 states, including Indiana, to submit state implementation plan (SIP) revisions to reduce emissions of sulfur dioxide (SO₂) and nitrogen oxide (NO_x) from fossil-fuel-fired power plants. Under the program, Indiana has the option of meeting the state emissions budget for SO₂ and NO_x by either a cap and trade program requiring reductions by power plants, or by reducing emissions from sources other than power plants without an emissions trading program. In this proposed rule IDEM has chosen to use a cap and trade program. Specifically, IDEM is considering a NO_x annual trading rule, SO₂ annual trading rule, NO_x ozone season trading rule, amendments to the NO_x SIP Call rule to sunset the rule for control periods in 2009 and beyond (except that 2009 allocations already made remain in effect), amendments to the NO_x SIP Call rule so that energy efficiency/renewable energy (EE/RE) program changes take effect sooner, amendments to the NO_x SIP Call rule to address pre-2010 NO_x allocation equity issues, and amendments to move US Steel out of the NO_x trading program starting in 2010. There are other amendments too lengthy to set out here, but a copy of the proposed rule language can be obtained at

<http://www.in.gov/idem/rules/packets/air/jun/index.html>.

Clean Air Mercury Rule/CAMR

#05-116

First Notice published June 1, 2005 (Indiana Register).

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/>.

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Please note that due to space constraints, a complete discussion of current rulemaking actions is not possible here. It is possible that some actions currently before the APCB but not set out here may significantly affect your facility. This article is not meant to provide legal advice. Although this 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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