



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Susan Hedman
Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

December 7, 2010

Re: State Implementation Plan Submittal for Indiana
Regarding 326 IAC 8-14; Emissions of Volatile Organic
Compounds from Architectural and Industrial
Maintenance (AIM) Coatings, LSA #06-604(F)

Dear Ms. Hedman:

Pursuant to Section 110 of the 1990 Clean Air Act and Title 13 of the Indiana Code, the Indiana Department of Environmental Management (IDEM) submits an amendment to the Indiana state implementation plan. This amendment consists of the addition of a new rule at 326 IAC 8-14, concerning emissions of volatile organic compounds (VOC) from architectural and industrial maintenance (AIM) coatings.

The new rule is based on the Ozone Transport Commission model rule for AIM coatings and includes standards for AIM coatings, container labeling requirements, recordkeeping and reporting requirements, compliance and test methods. Additionally, the new rule contains VOC content requirements and application standards for traffic marking coatings applicable during the ozone season (May 1 through September 30). In order to assist with your review of this state implementation plan submission, a list of supporting documents is attached.

Throughout the development of this rule, staff of the Office of Air Quality worked closely with your staff to ensure that any potential problems that might exist with this requested state implementation plan revision would be resolved. I request that U.S. EPA approve this modification of Indiana's state implementation plan. If you have any questions regarding this submittal, please contact Scott Deloney, Air Programs Branch Chief, Office of Air Quality at (317) 233-5694.

Sincerely,

Keith Baugues
Keith Baugues

Assistant Commissioner, Office of Air Quality

KB/as

Attachments: Supporting Documents

cc: John Mooney, U.S. EPA Region 5 (w/enclosures)
Steve Rosenthal, U.S. EPA Region 5 (no enclosures)
Scott Deloney, IDEM (no enclosures)
Christine Pedersen, IDEM (no enclosures)
Amy Smith, IDEM (no enclosures)
SIP file

Supporting Documents

Attachment A: Final rule. LSA Document #06-604(F) as published in the Indiana Register on December 1, 2010 (DIN: 20101201-IR-326060604FRA)

Attachment B: Signature Page

Attachment C: Second Notice as published in the Indiana Register on October 15, 2008 (DIN: 20081015-IR-326060604SNA)

Attachment D: Publisher's Affidavits

Attachment E: Transcript of First Public Hearing held on June 2, 2010.

Attachment F: Transcript of Second Public Hearing held on September 1, 2010.

Attachment G: Proposed rule as published in the Indiana Register on July 21, 2010 (DIN: 20100721-IR-326060604PRA)

Attachment H: Administrative Checklist (40 CFR 51, Appendix V)

A

TITLE 326 AIR POLLUTION CONTROL BOARD

Final Rule

LSA Document #06-604(F)

DIGEST

Adds [326 IAC 8-14](#) concerning volatile organic compound emissions and limitations applicable to architectural and industrial maintenance coatings. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: January 10, 2007, Indiana Register (DIN: [20070110-IR-326060604FNA](#)).

Second Notice of Comment Period: October 15, 2008, Indiana Register (DIN: [20081015-IR-326060604SNA](#)).

Notice of First Hearing: October 15, 2008, Indiana Register (DIN: [20081015-IR-326060604PHA](#)).

Change in Notice of Public Hearing: December 3, 2008, Indiana Register (DIN: [20081203-IR-326060604CHA](#)).

Change in Notice of Public Hearing: February 25, 2009, Indiana Register (DIN: [20090225-IR-326060604CHA](#)).

Change in Notice of Public Hearing: February 3, 2010, Indiana Register (DIN: [20100203-IR-326060604CHA](#)).

Change in Notice of Public Hearing: April 28, 2010, Indiana Register (DIN: [20100428-IR-326060604CHA](#)).

Date of First Hearing: June 2, 2010.

Fiscal Impact Statement: July 21, 2010, Indiana Register (DIN: [20100721-IR-326060604FIA](#)).

Proposed Rule: July 21, 2010, Indiana Register (DIN: [20100721-IR-326060604PRA](#)).

Notice of Second Hearing: July 21, 2010, Indiana Register (DIN: [20100721-IR-326060604PHA](#)).

Change in Notice of Public Hearing: July 28, 2010, Indiana Register (DIN: [20100728-IR-326060604CHA](#)).

Date of Second Hearing: September 1, 2010.

[326 IAC 8-14](#)

SECTION 1. [326 IAC 8-14](#) IS ADDED TO READ AS FOLLOWS:

Rule 14. Architectural and Industrial Maintenance (AIM) Coatings

[326 IAC 8-14-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 1. This rule applies to any person who supplies, sells, offers for sale, or manufactures any AIM coating for use within the state of Indiana, as well as any person who applies or solicits the application of any AIM coating within the state of Indiana, except for the following:

(1) Any AIM coating that is sold or manufactured for:

(A) use outside of the state of Indiana; or

(B) shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product.

(3) Any AIM coating that is sold in a container with a volume of one (1) liter (one and fifty-seven thousandths (1.057) quarts) or less.

(Air Pollution Control Board; [326 IAC 8-14-1](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 2. The following definitions apply throughout this rule:

(1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.

- (2) "Aerosol coating product" means a pressurized coating product containing pigments or resins that:
- (A) dispenses product ingredients by means of a propellant; and
 - (B) is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic or ground marking applications.
- (3) "AIM coatings" means architectural and industrial maintenance coatings.
- (4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- (5) "Antifouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).
- (6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, any of the following:
- (A) Bathroom and kitchen fixtures.
 - (B) Cabinets.
 - (C) Concrete forms.
 - (D) Doors.
 - (E) Elevators.
 - (F) Fences.
 - (G) Hand railings.
 - (H) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.
 - (I) Lampposts.
 - (J) Partitions.
 - (K) Pipes and piping systems.
 - (L) Rain gutters and downspouts.
 - (M) Stairways.
 - (N) Fixed ladders.
 - (O) Catwalks and fire escapes.
 - (P) Window screens.
- (7) "Architectural coating" means a coating to be applied to any of the following:
- (A) Stationary structures or the appurtenances at the site of installation.
 - (B) Portable buildings at the site of installation.
 - (C) Pavements.
 - (D) Curbs.

The term does not include adhesives, coatings applied in shop applications, or coatings applied to nonstationary structures, such as airplanes, ships, boats, railcars, and automobiles.

- (8) "Bitumens" means black or brown materials, including, but not limited to, asphalt, tar, pitch, or asphaltite, that:
- (A) are soluble in carbon disulfide;
 - (B) consist mainly of hydrocarbons; and
 - (C) are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- (9) "Bituminous roof coating" means a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.
- (10) "Bituminous roof primer" means a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.
- (11) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- (12) "Calcimine recoaters" means flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- (13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are:
- (A) intended exclusively for application by brush; and
 - (B) labeled as specified in section 4(5) of this rule.
- (14) "Clear wood coatings" means clear and semitransparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- (15) "Coating" means a material applied onto or impregnated into a substrate for protective,

decorative, or functional purposes. Such materials include, but are not limited to, the following:

- (A) Paints.
- (B) Varnishes.
- (C) Sealers.
- (D) Stains.

(16) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

(18) "Concrete surface retarder" means a mixture of retarding ingredients, such as:

- (A) extender pigments;
- (B) primary pigments;
- (C) resin; and
- (D) solvent;

that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(19) "Conjugated oil varnish" means a clear or semitransparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, a minimum of fifty percent (50%) of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

(20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two (2) component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.

(21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(22) "Exempt compound" means a compound identified as exempt under the definition of VOC. The exempt compounds content of a coating shall be determined in accordance with Method 24 of 40 CFR Part 60, Appendix A* or SCAQMD Method 303-91 "Determination of Exempt Compounds", approved June 1, 1991, and revised February 1993*.

(23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, the following:

- (A) Dirt.
- (B) Old age.
- (C) Smoke damage.
- (D) Simulated marble.
- (E) Simulated wood grain.

(24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been:

- (A) fire tested and rated by a nationally recognized testing organization; and
- (B) approved for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements.

The fire-resistive coating shall be tested in accordance with ASTM E119-05a "Standard Test Methods for Fire Tests of Building Construction and Materials", November 2005*.

(25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been:

- (A) fire tested and rated by a nationally recognized testing organization; and
- (B) approved for use in bringing building and construction materials into compliance with federal, state, and local building code requirements.

The fire-retardant coating shall be tested in accordance with ASTM E84-05e1 "Standard Test Method for Surface Burning Characteristics of Building Materials", February 2005*.

(26) "Flat coating" means a coating that:

- (A) is not defined under any other definition in this rule; and
- (B) registers a gloss less than fifteen (15) on an eighty-five (85) degree gloss meter or less than five (5) on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for

Specular Gloss", May 1999*.

(27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, the following:

- (A) Decks.**
- (B) Porches.**
- (C) Steps.**
- (D) Other horizontal surfaces that may be subjected to foot traffic.**

(28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

(30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs, excluding structural components, and murals including the following:

- (A) Letter enamels.**
- (B) Poster colors.**
- (C) Copy blockers.**
- (D) Bulletin enamels.**

(31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage by floating ice or debris.

(33) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, or topcoats, formulated for application to substrates exposed to one (1) or more of the following extreme environmental conditions and labeled as specified in section 4(4) of this rule:

(A) Immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposures of interior surfaces to moisture condensation.

(B) Acute or chronic exposure to:

- (i) corrosive, caustic, or acidic agents;**
- (ii) chemicals;**
- (iii) chemical fumes; or**
- (iv) chemical mixtures or solutions.**

(C) Repeated exposure to temperatures above one hundred twenty-one (121) degrees Celsius (two hundred fifty (250) degrees Fahrenheit).

(D) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents.

(E) Exterior exposure of metal structures and structural components.

(34) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to:

- (A) dry by evaporation without chemical reaction; and**
- (B) provide a solid, protective film.**

(35) "Low-solids coating" means a coating containing twelve-hundredths (0.12) kilogram or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

(36) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(38) "Mastic texture coating" means a coating labeled and formulated to:

- (A) cover holes and minor cracks; and**
- (B) conceal surface irregularities;**

that is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.

(39) "Metallic pigmented coating" means a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (four-tenths (0.4) pounds per gallon) when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", July 1996*.

(40) "Multicolor coating" means a coating that:

- (A) is packaged in a single container; and
- (B) exhibits more than one (1) color when applied in a single coat.
- (41) "Nonflat coating" means a coating that:
 - (A) is not defined under any other definition in this rule; and
 - (B) registers a gloss of fifteen (15) or greater on an eighty-five (85) degree gloss meter and five (5) or greater on a gloss meter when held at a sixty (60) degree angle according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.
- (42) "Nonflat-high-gloss coating" means a nonflat coating that registers a gloss of seventy (70) or above on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.
- (43) "Nonindustrial" use means any use of architectural coatings except in the construction or maintenance of any of the following:
 - (A) Facilities used in the manufacturing of goods and commodities.
 - (B) Transportation infrastructures, including the following:
 - (i) Highways.
 - (ii) Bridges.
 - (iii) Airports.
 - (iv) Railroads.
 - (C) Facilities used in mining activities, including petroleum extraction.
 - (D) Utilities infrastructures, including power generation and distribution and water treatment and distribution systems.
- (44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces, such as steel (or concrete), that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure and be tested in accordance with ASTM Method D4082-89 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", January 2002*. These coatings must also be relatively easy to decontaminate and resistant to various chemicals to which coatings are likely to be exposed and be tested in accordance with ASTM Method D3912-80 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", approved January 2001*.
- (45) "Person" has the meaning set forth in [IC 13-11-2-158\(a\)](#).
- (46) "Postconsumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer. The term does not include manufacturing wastes.
- (47) "Pretreatment wash primer" means a primer that:
 - (A) contains a minimum of five-tenths percent (0.5%) acid, by weight, when tested in accordance with ASTM D1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", October 2003*; and
 - (B) is labeled and formulated for application directly to bare metal surfaces to:
 - (i) provide corrosion resistance; and
 - (ii) promote adhesion of subsequent topcoats.
- (48) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.
- (49) "Quick-dry enamel" means a nonflat coating that is labeled as specified in section 4(8) of this rule and that is formulated to have the following characteristics:
 - (A) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen (16) and twenty-seven (27) degrees Celsius (sixty (60) and eighty (80) degrees Fahrenheit).
 - (B) When tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*:
 - (i) sets to touch in two (2) hours or less;
 - (ii) is tack free in four (4) hours or less;
 - (iii) dries hard in eight (8) hours or less by the mechanical test method; and
 - (iv) has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.
- (50) "Quick-dry primer, sealer, and undercoater" means a primer, sealer, or undercoater that:
 - (A) is dry to the touch in thirty (30) minutes; and
 - (B) can be recoated in two (2) hours when tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*.
- (51) "Recycled coating" means an architectural coating formulated such that not less than fifty percent (50%) of the total weight consists of secondary and postconsumer coating, with not less than ten percent (10%) of the total weight consisting of postconsumer coating.

(52) "Residence" means areas where people reside or lodge, including, but not limited to, the following:

- (A) Single and multiple family dwellings.
- (B) Condominiums.
- (C) Mobile homes.
- (D) Apartment complexes.
- (E) Motels.
- (F) Hotels.

(53) "Roof coating" means a nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purposes of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. The term does not include metallic pigmented roof coatings that qualify as metallic pigmented coatings. These roof coatings shall be considered to be in the metallic pigmented coatings category.

(54) "Rust preventive coating" means a coating:

- (A) formulated:
 - (i) exclusively for nonindustrial use; and
 - (ii) to prevent the corrosion of metal surfaces; and
- (B) labeled as specified in section 4(6) of this rule.

(55) "Sanding sealer" means a clear or semitransparent wood coating labeled and formulated for application to bare wood to:

- (A) seal the wood; and
- (B) provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

The term does not include a sanding sealer that also meets the definition of a lacquer, but it is included in the lacquer category.

(56) "SCAQMD" means the South Coast Air Quality Management District in California.

(57) "Sealer" means a coating labeled and formulated for application to a substrate to prevent:

- (A) subsequent coatings from being absorbed by the substrate; or
- (B) harm to subsequent coatings by materials in the substrate.

(58) "Secondary coating (rework)" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. The term does not include excess virgin resources of the manufacturing process.

(59) "Shellac" means a clear or opaque coating:

- (A) formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*);
- (B) thinned with alcohol; and
- (C) formulated to dry by evaporation without a chemical reaction.

(60) "Shop application" means an application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a:

- (A) manufacturing;
- (B) production; or
- (C) repairing;

process.

(61) "Solicit" means to require for use or to specify, by written or oral contract.

(62) "Specialty primer, sealer, and undercoater" means a coating:

- (A) labeled as required in section 4(7) of this rule; and
- (B) formulated for application to:
 - (i) a substrate to seal fire, smoke, or water damage;
 - (ii) condition excessively chalky surfaces;
 - (iii) seal in efflorescence; or
 - (iv) block stains.

An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM D4214-98 "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", August 1998*.

(63) "Stain" means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(64) "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must:

- (A) penetrate into stone substrates to create bonds between particles and consolidate deteriorated material; and
- (B) be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use

of Stone Consolidants"*.

(65) "Swimming pool coating" means a coating labeled and formulated to:

- (A) coat the interior of swimming pools; and
- (B) resist swimming pool chemicals.

(66) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

(67) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:

- (A) the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and
- (B) application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(68) "Thermoplastic rubber coating and mastics" means a coating or mastic:

- (A) formulated and recommended for application to roofing or other structural surfaces; and
- (B) that incorporates not less than forty percent (40%) by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to:
 - (i) fillers;
 - (ii) pigments; and
 - (iii) modifying resins.

(69) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, the following:

- (A) Curbs.
- (B) Berms.
- (C) Driveways.
- (D) Parking lots.
- (E) Sidewalks.
- (F) Airport runways.

(71) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.

(72) "U.S. EPA" means United States Environmental Protection Agency.

(73) "Varnish" means a clear or semitransparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to:

- (A) color a surface; or
- (B) control the final sheen or gloss of the finish.

(74) "Volatile organic compound" or "VOC" means a compound as defined in [326 IAC 1-2-90](#).

(75) "Waterproofing concrete or masonry sealer" means a clear or pigmented coating that is labeled and formulated for sealing concrete and masonry to provide resistance against the following:

- (A) Water.
- (B) Alkalis.
- (C) Acids.
- (D) Ultraviolet light.
- (E) Staining.

(76) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(77) "Wood preservative" means a coating:

- (A) labeled and formulated to protect exposed wood from decay or insect attack; and
- (B) that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).

* These documents are incorporated by reference. Copies 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 8-14-2](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-3](#) Standards for AIM coatings

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Sec. 3. (a) Except as provided in subsections (c) and (d), on or after October 1, 2011, no person shall:

- (1) manufacture, blend, or repackage for sale within the state of Indiana;
- (2) supply, sell, or offer for sale within the state of Indiana; or
- (3) solicit for application or apply within the state of Indiana;

any AIM coating with a VOC content in excess of the corresponding limit specified in subsection (b).

(b) Compliance with the VOC content limits shall not exceed the following limits:

Coating Category	VOC Limit (grams/liter)	VOC Limit (pounds/gallon)
Flat coatings	100	0.835
Nonflat coatings	150	1.25
Nonflat-high-gloss coatings	250	2.09
Specialty coatings:		
Antenna coatings	530	4.42
Antifouling coatings	400	3.34
Bituminous roof coatings	300	2.50
Bituminous roof primers	350	2.92
Bond breakers	350	2.92
Calcimine recoaters	475	3.96
Clear wood coatings:		
Clear brushing lacquers	680	5.67
Lacquers, including clear lacquer sanding sealers	550	4.59
Sanding sealers, excluding clear lacquers	350	2.92
Varnishes other than conversion varnishes	350	2.92
Conjugated oil varnish	450	3.76
Conversion varnish	725	6.05
Concrete curing compounds	350	2.92
Concrete surface retarders	780	6.51
Dry fog coatings	400	3.34
Faux finishing coatings	350	2.92
Fire-resistive coatings	350	2.92
Fire-retardant coatings (clear)	650	5.42
Fire-retardant coatings (opaque)	350	2.92
Floor coatings	250	2.09
Flow coatings	420	3.51
Form-release compounds	250	2.09
Graphic arts coatings (sign paints)	500	4.17
High temperature coatings	420	3.51
Impacted immersion coatings	780	6.51
Industrial maintenance coatings	340	2.84
Low-solids coatings	120	1.00
Magnesite cement coatings	450	3.76
Mastic texture coatings	300	2.50
Metallic pigmented coatings	500	4.17
Multicolor coatings	250	2.09
Nuclear coatings	450	3.76
Pretreatment wash primers	420	3.51

Primers, sealers, and undercoaters	200	1.67
Quick-dry enamels	250	2.09
Quick-dry primers, sealers, and undercoaters	200	1.67
Recycled coatings	250	2.09
Roof coatings	250	2.09
Rust preventive coatings	400	3.34
Shellacs (clear)	730	6.09
Shellacs (opaque)	550	4.59
Specialty primers, sealers, and undercoaters	350	2.92
Stains	250	2.09
Stone consolidants	450	3.76
Swimming pool coatings	340	2.84
Swimming pool repair and maintenance coatings	340	2.84
Temperature-indicator safety coatings	550	4.59
Thermoplastic rubber coatings and mastics	550	4.59
Traffic marking coatings (ozone season-May 1 to September 30)	105	0.876
Traffic marking coatings (nonozone season- October 1 to April 30)	150	1.25
Waterproofing sealers	250	2.09
Waterproofing concrete or masonry sealers	400	3.34
Wood preservatives	350	2.92
Conversion factor: one gram VOC per liter = 0.0083454 pound per gallon.		

(c) If anywhere on the container of an AIM coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition or is recommended for use for more than one (1) of the categories listed in subsection (b), then the category with the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified as follows:

- (1) Lacquer coatings, including lacquer sending sealers.
- (2) Metallic pigmented coatings.
- (3) Shellacs.
- (4) Fire-retardant coatings.
- (5) Pretreatment wash primers.
- (6) Industrial maintenance coatings.
- (7) Low-solids coatings.
- (8) Wood preservatives.
- (9) High temperature coatings.
- (10) Temperature-indicator safety coatings.
- (11) Antenna coatings.
- (12) Antifouling coatings.
- (13) Flow coatings.
- (14) Bituminous roof primers.
- (15) Specialty primers, sealers, and undercoaters.
- (16) Thermoplastic rubber coatings and mastics.
- (17) Calcimine recoaters.
- (18) Impacted immersion coatings.
- (19) Nuclear coatings.

(d) The following sell through provisions apply to AIM coatings:

- (1) A coating manufactured prior to October 1, 2011, may be sold, supplied, or offered for sale until October 1, 2014.
- (2) A coating manufactured before October 1, 2011, may be applied at any time both before and after October 1, 2011, so long as the coating complied with the standards in effect at the time the coating was manufactured.
- (3) The provisions in subdivisions (1) and (2) do not apply to any coating that does not display the date or date code required by section 4(1) of this rule.

(e) The following work practices are required:

(1) All AIM coatings containers used to apply the contents therein to a surface directly from the container by:

- (A) pouring;
- (B) siphoning;
- (C) brushing;
- (D) rolling;
- (E) padding;
- (F) ragging; or
- (G) other means;

shall be closed when not in use.

(2) Containers of any VOC-containing materials used for thinning and cleanup shall be closed when not in use.

(f) No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subsection (b).

(g) No person shall apply or solicit the application of any rust preventative coating for industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC content limit specified in subsection (b).

(h) If a coating does not meet any of the definitions for the specialty coatings categories listed in subsection (b), the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high-gloss coating as defined in section 2 of this rule. The corresponding flat or nonflat coating VOC content limit shall apply.

(Air Pollution Control Board; [326 IAC 8-14-3](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-4](#) Container labeling

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. On and after October 1, 2011, each manufacturer of any AIM coating subject to this rule shall prominently display the following information on the coating container or label in which the coating is sold or distributed:

(1) A date code, as follows:

(A) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container.

(B) If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the department.

(2) Thinning recommendations, as follows:

(A) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(B) This requirement does not apply to the thinning of architectural coatings with water.

(C) If thinning of a coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(3) VOC content, as follows:

(A) Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning recommended by the manufacturer.

(B) VOC content shall be displayed in grams of VOC per liter of coating.

(C) VOC content displayed shall be:

(i) calculated using product formulation data; or

(ii) determined using the test methods in section 6(b) of this rule.

The equations in section 6(a) of this rule shall be used to calculate VOC content.

(4) The label or the lid of the container in which an industrial maintenance coating is sold or

distributed shall display one (1) or more of the following industrial maintenance coatings descriptions:

- (A) "For industrial use only".
 - (B) "For professional use only".
 - (C) "Not for residential use".
 - (D) "Not intended for residential use".
- (5) The labels of all clear brushing lacquers shall prominently display the following statements:
- (A) "For brush application only".
 - (B) "This product must not be thinned or sprayed".
- (6) The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only".
- (7) The labels of all specialty primers, sealers, and undercoaters shall prominently display one (1) or more of the following descriptions:
- (A) "For blocking stains".
 - (B) "For fire-damaged substrates".
 - (C) "For smoke-damaged substrates".
 - (D) "For water-damaged substrates".
 - (E) "For excessively chalky substrates".
 - (F) "To seal in efflorescence".
- (8) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.
- (9) The labels of all nonflat-high-gloss coatings shall prominently display the words "High Gloss".
- (10) The labels of all stone consolidants shall prominently display the statement "Stone Consolidant-For Professional Use Only".

(Air Pollution Control Board; [326 IAC 8-14-4](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-5](#) Recordkeeping and reporting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) Each manufacturer of a product subject to a VOC content limit in section 3(b) of this rule shall keep records demonstrating compliance with the VOC content limits. The records shall clearly list each product by all of the following:

- (1) Name.
- (2) Identifying number if applicable.
- (3) VOC content as determined by section 6 of this rule.
- (4) Name or names and chemical abstract service (CAS) number of the VOC constituents in the product.
- (5) Dates of the VOC content determinations.
- (6) Coating category and applicable VOC content limit.

(b) The records required by subsection (a) shall be:

- (1) kept for a period not less than five (5) years; and
- (2) made available to the department for inspection within ninety (90) days of request.

(c) Each manufacturer shall, upon request of the department, provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 3(b) of this rule. The manufacturer shall within ninety (90) days provide the following information:

- (1) The name and mailing address of the manufacturer.
- (2) The name, address, and telephone number of a contact person.
- (3) The name of the product as it appears on the label and the coating category under which it is regulated, as listed in section 3(b) of this rule.
- (4) Whether the coating is marketed for interior use or exterior use, or both.
- (5) The number of gallons sold in the state of Indiana in containers greater than one (1) liter.
- (6) The actual VOC content and VOC content in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning.
- (7) The names and CAS number of the VOC constituents in the product.

(d) Manufacturers of an AIM coating that contains perchloroethylene or methylene chloride shall, within thirty (30) days upon request of the department, submit a report to the department that includes the following information for the product sold in the state during the previous twelve (12) months from the date of the department's request:

- (1) The product's brand name and a copy of the product label with the legible usage instructions.
- (2) The coating category, listed in section 3(b) of this rule, to which the coating belongs.
- (3) The total sales during the twelve (12) month period to the nearest gallon.
- (4) The volume percent, to the nearest one-tenth of one percent (0.10%), of perchloroethylene and methylene chloride in the coating.

(e) Manufacturers of recycled coatings shall, within thirty (30) days upon request of the department, submit a letter to the department certifying their status as a recycled paint manufacturer. The report shall include the following information for all recycled coatings for the previous twelve (12) months from the date of the department's request:

- (1) The total number of gallons distributed in Indiana during the twelve (12) month period.
- (2) A description of the method used by the manufacturer to calculate state distribution.

(f) Manufacturers of bituminous roof coatings or bituminous roof primers shall, within thirty (30) days upon request of the department, submit a report that includes the following information for the previous twelve (12) months from the date of the department's request:

- (1) The total number of gallons of bituminous roof coatings or bituminous roof primers sold in Indiana during the twelve (12) month period.
- (2) A description of the method used by the manufacturer to calculate state sales.

(Air Pollution Control Board; [326 IAC 8-14-5](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-6](#) Compliance provisions and test methods

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 6. (a) For the purpose of determining compliance with the VOC content limits in section 3(b) of this rule, the VOC content of a coating shall be determined using the procedures described in subdivision (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. VOC content shall be determined as follows:

- (1) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:	VOC Content	=	grams of VOC per liter of coating
	W_s	=	weight of volatiles, in grams
	W_w	=	weight of water, in grams
	W_{ec}	=	weight of exempt compounds, in grams
	V_m	=	volume of coating, in liters
	V_w	=	volume of water, in liters
	V_{ec}	=	volume of exempt compounds, in liters

- (2) For low solid coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content}_{\text{ls}} = \frac{(W_s - W_w - W_{\text{ec}})}{(V_m)}$$

Where: VOC Content_{ls} = the VOC content of a low-solids coating in grams per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

(b) To determine the physical properties of a coating in order to perform the calculations in subsection (a), the reference method for VOC content is Method 24 of 40 CFR Part 60, Appendix A*, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91* "Determination of Volatile Organic Compounds in Various Materials", February 1996. The exempt compounds content shall be determined by SCAQMD Method 303-91* "Determination of Exempt Compounds", February 1993. To determine the VOC content of a coating, the manufacturer may use Method 24 of 40 CFR Part 60, Appendix A*, or an alternative method, as provided in subsection (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended, for example, quality assurance checks, recordkeeping. However, if there are any inconsistencies between the results of a test conducted utilizing Method 24 of 40 CFR Part 60, Appendix A* and any other means for determining VOC content, the results of the test utilizing Method 24 of 40 CFR Part 60, Appendix A* will govern, except when an alternative method is approved as specified in subsection (c). The department may require the manufacturer to conduct an analysis using Method 24 of 40 CFR Part 60, Appendix A*.

(c) The use of alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) after review and approval in writing by the department and the U.S. EPA may be used.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Method 24 of 40 CFR Part 60, Appendix A*. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

*These documents are incorporated by reference. Copies 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 8-14-6](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

[326 IAC 8-14-7](#) Application of traffic marking materials

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 7. (a) Except as provided in section 3(d) of this rule, after October 1, 2011, during the ozone season (May 1 through September 30), no person may cause, allow, or permit the application of traffic marking material that exceeds the following limits:

- (1) For traffic marking material that is a liquid at the time of application, the VOC content limits listed in section 3(b) of this rule.
- (2) For field-reacted traffic marking material, or for traffic marking material that is not measurable as a liquid at the time of application, a VOC emission rate of three and six-tenths (3.6) kilograms per

stripe-kilometer or twelve and two-tenths (12.2) pounds per stripe-mile.

(b) Any person subject to this section who applies traffic marking material shall maintain the following records:

(1) Types and amounts of traffic marking materials purchased annually.

(2) The VOC content or emission rate of each type of traffic marking material applied in any of the following:

(A) Grams per liter.

(B) Pounds per gallon.

(C) Kilograms per stripe-kilometer.

(D) Pounds per stripe-mile.

(3) Monthly quantities of each type of traffic marking material applied.

(c) The records required in subsection (b) shall be:

(1) kept for a period of three (3) years after the traffic marking material is applied; and

(2) made available to the department for inspection within ninety (90) days of the request.

(Air Pollution Control Board; [326 IAC 8-14-7](#); filed Nov 1, 2010, 11:58 a.m.: [20101201-IR-326060604FRA](#))

LSA Document #06-604(F)

Proposed Rule: [20100721-IR-326060604PRA](#)

Hearing Held: September 1, 2010

Approved by Attorney General: October 26, 2010

Approved by Governor: October 29, 2010

Filed with Publisher: November 1, 2010, 11:58 a.m.

Documents Incorporated by Reference: Method 24 of 40 CFR Part 60, Appendix A, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings"; SCAQMD Method 303-91, "Determination of Exempt Compounds", South Coast Air Quality Management District, 1993; ASTM Standard E119-05a, "Standard Test Method for Fire Tests of Building Construction and Materials", ASTM International, West Conshohocken, PA 19428; ASTM Standard E84-05e1, "Standard Test Method for Surface Burning Characteristics of Building Materials", ASTM International, West Conshohocken, PA 19428; ASTM Standard D523-89(1999), "Standard Test Method for Specular Gloss", ASTM International, West Conshohocken, PA 19428; SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", South Coast Air Quality Management District, 1996; ASTM Standard D4082-89(2002), "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", ASTM International, West Conshohocken, PA 19428; ASTM Standard D3912-95(2001), "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", ASTM International, West Conshohocken, PA 19428; ASTM Standard D1613-03, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", ASTM International, West Conshohocken, PA 19428; ASTM Standard D1640-03, "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", ASTM International, West Conshohocken, PA 19428; ASTM Standard D4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", ASTM International, West Conshohocken, PA 19428; ASTM Standard E2167-01, "Standard Guide for Selection and Use of Stone Consolidants", ASTM International, West Conshohocken, PA 19428; SCAQMD Method 304-91, "Determination of Volatile Organic Compounds (VOC) in Various Materials", South Coast Air Quality Management District, 1996

Small Business Regulatory Coordinator: Alison Beumer, IDEM Compliance and Technical Assistance Program - OPPTA, MC 60-04 IGCS W041, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8172 or (800) 988-7901, ctap@idem.in.gov

Small Business Assistance Program Ombudsman: Brad Baughn, IDEM Small Business Assistance Program Ombudsman, MC 50-01 IGCN 1307, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386, bbaughn@idem.in.gov

Posted: 12/01/2010 by Legislative Services Agency

An [html](#) version of this document.

B

Rule Signature Page

Rule #: LSA #06-604(F)
Agency: Air Pollution Control Board
Subject: Architectural and Industrial Maintenance (AIM) Coatings VOC Rule

ADOPTED:

By: James R. Miner Date: 9/1/2010
James Miner, M.D.
Chairman
Air Pollution Control Board

APPROVED AS TO FORM AND LEGALITY:

By: Greg Zoeller Date: 10/26/10
Greg Zoeller
Attorney General, State of Indiana

APPROVED:

By: M E Daniels, Jr. Date: 10/29/10
Mitchell E. Daniels, Jr.
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____ Date: _____

TITLE 326 AIR POLLUTION CONTROL BOARD
LSA Document #06-604(FR)

Filed with Publisher: November 1, 2010, 11:58 a.m.
By: Kks

C

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #06-604

DEVELOPMENT OF NEW RULES CONCERNING VOLATILE ORGANIC COMPOUNDS FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules at [326 IAC 8-14](#) concerning architectural and industrial maintenance (AIM) coatings. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: January 10, 2007, Indiana Register (DIN: [20070110-IR-326060604FNA](#)).

CITATIONS AFFECTED: [326 IAC 8-14](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-11](#); [IC 13-17-3-12](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 counties as nonattainment for the 8-hour ozone standard. Only one monitoring location in Indiana does not currently meet the 8-hour ozone standard of 0.085 parts per million (ppm), and 21 of the 23 counties have been redesignated to attainment. While Lake and Porter counties measured air quality that met the 8-hour ozone standard from 2004 through 2006, a single monitoring location in Lake County measured air quality just above the standard in 2007. IDEM expects this site to reattain in 2008, and the department continues to work with the U.S. EPA to have Lake County and Porter County redesignated to attainment. Additionally, since the Cincinnati, Ohio, metropolitan area has not yet attained the 8-hour standard, IDEM has prepared a state implementation plan (SIP) revision for Lawrenceburg Township in Dearborn County that addresses its contribution to Cincinnati's ozone nonattainment.

It is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include: the narrow margin between Indiana's current air quality and the existing 8-hour ozone standard as well as the challenges Indiana faces in improving air quality to meet the new 8-hour ozone standard of 0.075 ppm that the U.S. EPA lowered on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

In an effort to assist neighboring states in the development of SIPs to comply with the federal requirements, the Lake Michigan Air Directors Consortium (LADCO) has been working with its member states to identify and recommend regional controls that would help states bring areas back into attainment for the 8-hour ozone standard. The LADCO states include Illinois, Indiana, Michigan, Ohio, and Wisconsin. The LADCO states have discussed applying certain VOC control measures to all counties in the region in order to provide a general benefit to all ozone and fine particle nonattainment areas. LADCO has evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. Based on discussions with other LADCO states and information provided by LADCO, IDEM proposes to develop an AIM coatings rule for Indiana as part of a regional effort to control ozone. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone and fine particle nonattainment. Other VOC control rules include automobile refinishing, consumer products, organic solvent degreasing, and stage I vapor recovery.

AIM coatings are applied to a variety of surfaces and may be applied by brush, roller, or spray gun and by consumers, painting contractors, or maintenance personnel. VOC emissions result from the evaporation of solvents in the coatings during application and drying. The U.S. EPA published the federal AIM coatings rule on September 11, 1998 (63 FR 48848) (40 CFR Part 59 Subpart D) under the authority of Section 183(e) of the Clean Air Act. This rule limits the amount of VOC that manufacturers and importers of AIM coatings can put into their products. The rule also has container labeling requirements for AIM coatings. There are different options for complying with the VOC limits, including exemptions for products that may be difficult to reformulate. VOC content limits in the national rule took effect on September 11, 1999. The federal AIM rule is estimated to yield VOC reductions of 20 percent from uncontrolled levels.

The U.S. EPA defines an architectural coating as "a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. This definition excludes

adhesives and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars."

The U.S. EPA defines an industrial maintenance coating as "a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions in an industrial, commercial, or institutional setting:

- (1) immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
- (2) acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
- (3) repeated exposure to temperatures above 120°C (250°F);
- (4) repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
- (5) exterior exposure of metal structures and structural components."

On August 31, 2005, the U.S. EPA published an Advance Notice of Proposed Rulemaking on AIM Coatings for determining how to calculate VOC reductions from AIM coatings in nonattainment and maintenance areas. The comment period was extended on October 13, 2005, and December 20, 2005, to request comments, data, and information. At this time, the U.S. EPA has not published an updated AIM rule.

In an effort to assist northeastern states to meet and maintain the ozone National Ambient Air Quality Standards (NAAQS), the Ozone Transport Commission (OTC) formed a workgroup to consider a model rule to reduce VOC emissions in AIM coatings. The workgroup formed for this purpose conducted meetings and received comments from interested parties that resulted in a recommendation that the OTC AIM Coatings model rule be the same as the National Association of Clean Air Agencies, formerly known as the State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officials model rule. The OTC identified several implementation options applicable to states in the northeast. The model rule emission limits were established at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. In conjunction with the OTC model rule, LADCO considered implementation of a Wisconsin rule limiting the VOC content of traffic markings in the MRPO states. For certain categories of coatings, LADCO estimates that implementation of the OTC model rule and the Wisconsin traffic marking rule will reduce VOC emissions by about 20% beyond the current federal AIM rule, or 2,986 tons VOC per year in Indiana.

In this rulemaking, Indiana is proposing to add an AIM coatings rule to the Article 8 VOC rules. The proposed rule is primarily based on the OTC model rule and contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through October 31). This rulemaking will contribute to the MRPO states' regional control efforts for VOC and will assist counties in reaching attainment or maintaining compliance for the newly revised 8-hour ozone standard. Upon completion, this rule will be submitted to the U.S. EPA for approval into the SIP and, along with other regional and state measures, will guide air pollution control efforts in Indiana.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following elements of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements).

The following information is provided with each NIFL element:

- (1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.
- (3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element A: Adopting the OTC model rule for AIM coatings that requires manufacturers of coatings to comply with VOC content limits that are more stringent than the federal AIM rule (40 CFR 59, Subpart D).

- (1) The application of VOC control measures to AIM coatings in Indiana will provide a general benefit to nonattainment areas. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone nonattainment.
- (2) The analyses for the OTC model rule estimates a cost of \$6,400 per ton of VOC reduced. The model rule estimates a reduction of 2,986 tons of VOC emissions per year beyond the current federal rule for a total estimated cost of approximately \$19 million per year. However, since many of the large AIM coatings manufacturers already have experience reformulating to the OTC VOC limits, the cost of compliance in Indiana will likely be less than originally estimated.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Architectural and Industrial Maintenance Coatings at:

http://www.ladco.org/Regional_Air_Quality.html

NIFL Element B: Adopting standards for traffic markings coatings that are applied during the ozone season that are more stringent than the federal rule (40 CFR 59, Subpart D).

(1) The use of more stringent VOC content limits and application standards for traffic markings in Indiana will provide a general benefit to nonattainment areas. The VOC content limit for traffic markings is about 39 percent lower than the limit imposed by the federal rule. This rulemaking is part of a larger group of VOC control rules that address regional ozone nonattainment.

(2) The Indiana Department of Transportation (INDOT) estimates that approximately 280,000 gallons of white paint and 200,000 gallons of yellow paint are used annually. The white paint currently meets the proposed VOC content limit. However, the yellow paint would need to be reformulated to meet the standard at an approximate additional cost of 10 cents per gallon. Approximately 80% of the total volume of paint is used during the months of May, June, July, and August. IDEM estimates a cost of \$408 per ton of VOC reduced.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Architectural and Industrial Maintenance Coatings at:

http://www.ladco.org/Regional_Air_Quality.html

Potential Fiscal Impact

The OTC model rule estimates a 31% reduction in VOC emissions beyond the federal AIM rule. The analyses for the OTC model rule estimated a cost of \$6,400 per ton of VOC reduced. This estimate included costs for more stringent VOC content limits on traffic marking coatings that will be used during the ozone season. However, costs are not expected to be this high since many of the large AIM coatings producers already have experience with reformulating to the OTC limits and compliant formulations are currently available for all coating categories. Additionally, multiple states have now adopted the OTC model rule and therefore compliance costs are spread over a larger portion of sales.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/compliance/ctap/index.html

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface

IDEM Compliance and Technical Assistance Program

OPPTA - MC60-04

100 North Senate Avenue

W041

Indianapolis, IN 46204-2251

(317) 232-8172

ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Megan Tretter

IDEM Small Business Assistance Program Ombudsman

MC 50-01 - IGCN 1307

100 North Senate Avenue

Indianapolis, IN 46204-2251

(317) 234-3386

mtretter@idem.in.gov

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from January 10, 2007, through February 9, 2007, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Improving Kids' Environment (IKE)

National Paint & Coatings Association (NPCA)

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

Comment: IKE supports the agency moving forward with this rulemaking. Although ozone levels have been improving in Indiana, high ozone levels still present a public health threat to our citizens throughout the state. Ozone pollution is regional in nature and concentrating control programs in the urban areas is no longer sufficient to address unhealthy ozone levels. Implementing cleaner AIM coatings across a broad geographic region will be most effective in improving air quality. The market for AIM coatings is regional and national. Having different requirements in different states or different regions within states is disruptive, confusing and does not lead to the most economically efficient result. (IKE)

Response: This rulemaking, in conjunction with the rulemakings conducted by other LADCO states, will assist in controlling VOCs in order to ensure compliance with U.S. EPA's newly issued 8-hour ozone standard. IDEM is cognizant of the importance in addressing this issue from a regional perspective. IDEM's proposed draft rule language is consistent with other LADCO states' requirements and will ease the compliance burden for AIM coatings manufacturers by ensuring consistency with other states in the region.

Comment: NPCA strongly suggests that Indiana wait for EPA to revise the National AIM Rule later this year. The greatest problem with Indiana independently revising its AIM rule is that it may be different than other state AIM rules. Even when the OTC states revised their AIM rules via the OTC "Model Rule" different rules resulted. These differences—some major and some seemingly minor—can make compliance very difficult for the paint and coatings industry. The greatest benefit of Indiana waiting for the EPA is that hopefully the state AIM rules will be as consistent as possible. (NPCA)

Response: IDEM understands the importance of consistency for a rulemaking which affects AIM coatings producers nation-wide. However, the U.S. EPA has not yet published the proposed amendments to the national AIM coatings rule. The May 30, 2007 memorandum issued by Mr. Stephen Page, director of the U.S. EPA's Office of Air Quality Planning and Standards, to U.S. EPA Regional Offices and all states preparing ozone State Implementation Plans stated that the U.S. EPA was planning to propose the revised AIM coatings regulations in either August or September of 2007 followed by promulgation as a final rule in December 2007, with new limits to take effect on January 1, 2009. However, to date, the U.S. EPA has not published their proposed revisions. Therefore, IDEM is moving forward with this rulemaking. When the U.S. EPA amends the federal rule then IDEM will update its state rule.

Comment: If IDEM does not wait for EPA to revise the National AIM Rule, NPCA suggests that Indiana propose an AIM rulemaking similar to the recent proposed Ohio AIM rulemaking. For consistency purposes NPCA does not support Indiana's adoption of the Wisconsin traffic marking rule.

NPCA makes the following recommendations:

1. Definition of VOC—NPCA supports the current Indiana definition of VOC, but suggests that Indiana drop any references to amendment dates in the language.
2. Applicability Date—Coatings manufacturers need at least 9-12 months advance notice before the effective of the rule limits and other requirements. The industry is based on mass production and distribution of thousands of products, each which requires separate labeling instructions. Additionally, production operations must be altered and coordinated in light of the new requirements. All of this assumes that reformulation and testing of the new products mandated by the OTC Model rule will already have been accomplished. This may not be the case for regional or local companies that do not sell into OTC states. NPCA request that Indiana extend the implementation date out at least 9-12 months past any rule adoption/finalization date.
3. Implementation Date—NPCA strongly suggests an implementation date of January 1, 2009.
4. Sell Through Provision—NPCA supports the Ohio proposal to allow a three-year sell through date.
5. Reporting—It appears that Ohio has included an overly burdensome and unnecessary reporting requirements. The proposed regulation should be revised to make the reporting requirements consistent with six of the existing ten OTC state AIM rules by amending the reporting requirements section to eliminate the annual reports mandated for certain coatings. If Indiana still wishes to have this information available, we recommend that it replace this requirement with one that only requires the manufacturers to maintain records of the sales of these AIM products and report these sales only when requested by Indiana.
6. Conversion Varnish—For consistency with both the National AIM Rule and the OTC rules, NPCA suggests that Indiana include a definition and VOC limit (725g/l) for Conversion Varnishes.
7. Varnish Definition—NPCA suggests that the definition of varnish should be amended to delete the phrase "on exposure to air" and to change the typo "fetal" to "final".
8. Specialty Primer—For consistency with other rules, NPCA suggests that the definition of Specialty Primer be amended to include the phrase "to seal in efflorescence". Additionally, the NPCA suggests that Indiana add the language "to seal in efflorescence" to the container labeling requirements for Specialty primer, sealer, and undercoater.
9. Definitions Comments—NPCA suggests inserting the following definitions that correspond to categories that are identified in the VOC limit table but do not currently have definitions. Please note that the definitions came directly from the New York and Pennsylvania OTC rules: a) Calcimine recoaters; b) Concrete surface

retarder; c) Impacted immersion coating; d) Nuclear coating; e) Thermoplastic rubber coating and mastics. 10. ASTM Methods—Incorporation by Method—Please note that NPCA's suggested definition for Nuclear coatings includes two ASTM methods (D4082-89 and D 912-80) that should be included for the proposed rule. (NPCA)

Response: Indiana is moving forward with its AIM rulemaking. The addition of more stringent VOC content limits for traffic markings coatings and application standards is not overly burdensome on the practices of the Indiana Department of Transportation. Therefore, Indiana is seeking comment on a draft rule based on the OTC model rule and VOC content limits on an ozone season basis for traffic marking coatings.

In the draft rule language IDEM has included NPCA's requested changes to the definitions of VOC, conversion varnish, varnish, and specialty primer. IDEM has also added definitions for calcimine recoaters, concrete surface retarder, impacted immersion coating, nuclear coating, and thermoplastic rubber coating and mastics to provide definitions for categories that are identified in the VOC content limit table but that do not have definitions in the OTC model rule. IDEM has included the two requested ASTM methods (D4082-89 and D3912-80) as part of the definition for nuclear coatings.

NPCA suggested an implementation date of January 1, 2009. However, this rulemaking will not be completed by this date. Therefore IDEM is proposing an implementation date of January 1, 2010. This implementation date will provide adequate time for coatings manufacturers to meet rule requirements. Additionally, IDEM is including a three-year sell through provision in the draft rule language for products that were in compliance with the standards in effect at the time the coating was manufactured and that are properly labeled.

The reporting requirements in the draft rule language are consistent with the majority of the OTC states AIM rules. IDEM is not requiring annual reports for certain categories of coatings. However, the draft rule language does require that manufacturers of those coatings maintain records of sales and be able to report sales, when requested, to the department.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#06-604(APCB) Architectural and Industrial Maintenance Coatings
Amy Smith Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 14, 2008.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 8-14](#) IS ADDED TO READ AS FOLLOWS:

Rule 14. Architectural and Industrial Maintenance (AIM) Coatings

[326 IAC 8-14-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 1. This rule applies to any person who supplies, sells, offers for sale, or manufactures any AIM coating for use within the state of Indiana, as well as any person who applies or solicits the application of

any AIM coating within the state of Indiana, except for the following:

- (1) Any AIM coating that is sold or manufactured for:
 - (A) use outside of the state of Indiana; or
 - (B) shipment to other manufacturers for reformulation or repackaging.
- (2) Any aerosol coating product.
- (3) Any AIM coating that is sold in a container with a volume of one (1) liter (one and fifty-seven thousandths (1.057) quarts) or less.

(Air Pollution Control Board; [326 IAC 8-14-1](#))

[326 IAC 8-14-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 2. The following definitions apply throughout this rule:

- (1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.
- (2) "Aerosol coating product" means a pressurized coating product containing pigments or resins that:
 - (A) dispenses product ingredients by means of a propellant; and
 - (B) is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic or ground marking applications.
- (3) "AIM coating" means architectural coatings and industrial maintenance coatings.
- (4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- (5) "Antifouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136)*.
- (6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, any of the following:
 - (A) Bathroom and kitchen fixtures.
 - (B) Cabinets.
 - (C) Concrete forms.
 - (D) Doors.
 - (E) Elevators.
 - (F) Fences.
 - (G) Hand railings.
 - (H) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.
 - (I) Lampposts.
 - (J) Partitions pipes and piping systems.
 - (K) Rain gutters and downspouts.
 - (L) Stairways.
 - (M) Fixed ladders.
 - (N) Catwalks and fire escapes.
 - (O) Window screens.
- (7) "Architectural coating" means a coating to be applied to any of the following:
 - (A) Stationary structures or the appurtenances at the site of installation.
 - (B) Portable buildings at the site of installation.
 - (C) Pavements.
 - (D) Curbs.

The term does not include adhesives, coatings applied in shop applications, or coatings applied to nonstationary structures, such as airplanes, ships, boats, railcars, and automobiles.

- (8) "Bitumens" means black or brown materials, including, but not limited to, asphalt, tar, pitch, or asphaltite, that:

- (A) are soluble in carbon disulfide;
 - (B) consist mainly of hydrocarbons; and
 - (C) are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- (9) "Bituminous roof coating" means a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.
- (10) "Bituminous roof primer" means a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.
- (11) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- (12) "Calcimine recoaters" means flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- (13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are:
- (A) intended exclusively for application by brush; and
 - (B) labeled as specified in section 4(5) of this rule.
- (14) "Clear wood coatings" means clear and semitransparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- (15) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, the following:
- (A) Paints.
 - (B) Varnishes.
 - (C) Sealers.
 - (D) Stains.
- (16) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- (17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.
- (18) "Concrete surface retarder" means a mixture of retarding ingredients, such as:
- (A) extender pigments;
 - (B) primary pigments;
 - (C) resin; and
 - (D) solvent;
- that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- (19) "Conjugated oil varnish" means a clear or semitransparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, a minimum of fifty percent (50%) of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.
- (20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two (2) component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.
- (21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- (22) "Exempt compound" means a compound identified as exempt under the definition of VOC. The exempt compounds content of a coating shall be determined in accordance with Method 24 of 40 CFR Part 60, Appendix A* or SCAQMD Method 303-91* "Determination of Exempt Compounds", approved June 1, 1991, and revised February 1993.
- (23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, the following:
- (A) Dirt.
 - (B) Old age.
 - (C) Smoke damage.
 - (D) Simulated marble.

(E) Simulated wood grain.

(24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements.

The fire-resistive coating shall be tested in accordance with ASTM E119-05a* "Standard Test Methods for Fire Tests of Building Construction and Materials", November 2005.

(25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing building and construction materials into compliance with federal, state, and local building code requirements.

The fire-retardant coating shall be tested in accordance with ASTM E84-05e1* "Standard Test Method for Surface Burning Characteristics of Building Materials", February 2005.

(26) "Flat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers gloss less than fifteen (15) on an eighty-five (85) degree meter or less than five (5) on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.

(27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, the following:

(A) Decks.

(B) Porches.

(C) Steps.

(D) Other horizontal surfaces that may be subjected to foot traffic.

(28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

(30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including the following:

(A) Letter enamels.

(B) Poster colors.

(C) Copy blockers.

(D) Bulletin enamels.

(31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage by floating ice or debris.

(33) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, or topcoats, formulated for application to substrates exposed to one (1) or more of the following extreme environmental conditions and labeled as specified in section 4(4) of this rule:

(A) Immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposures of interior surfaces to moisture condensation.

(B) Acute or chronic exposure to:

(i) corrosive, caustic, or acidic agents;

(ii) chemicals;

(iii) chemical fumes; or

(iv) chemical mixtures or solutions.

(C) Repeated exposure to temperatures above one hundred twenty-one (121) degrees Celsius (two hundred fifty (250) degrees Fahrenheit).

(D) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents.

- (E) Exterior exposure of metal structures and structural components.
- (34) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to:
- (A) dry by evaporation without chemical reaction; and
 - (B) provide a solid, protective film.
- (35) "Low-solids coating" means a coating containing twelve-hundredths (0.12) kilogram or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.
- (36) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- (37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- (38) "Mastic texture coating" means a coating labeled and formulated to:
- (A) cover holes and minor cracks; and
 - (B) conceal surface irregularities;
- that is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.
- (39) "Metallic pigmented coating" means a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (four-tenths (0.4) pounds per gallon) when tested in accordance with SCAQMD Method 318-95* "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", July 1996.
- (40) "Multicolor coating" means a coating that:
- (A) is packaged in a single container; and
 - (B) exhibits more than one (1) color when applied in a single coat.
- (41) "Nonflat coating" means a coating that:
- (A) is not defined under any other definition in this rule; and
 - (B) registers a gloss of fifteen (15) or greater on an eighty-five (85) degree meter and five (5) or greater on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.
- (42) "Nonflat-high-gloss coating" means a nonflat coating that registers a gloss of seventy (70) or above on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.
- (43) "Nonindustrial" use means any use of architectural coatings except in the construction or maintenance of any of the following:
- (A) Facilities used in the manufacturing of goods and commodities.
 - (B) Transportation infrastructures, including the following:
 - (i) Highways.
 - (ii) Bridges.
 - (iii) Airports.
 - (iv) Railroads.
 - (C) Facilities used in mining activities, including petroleum extraction.
 - (D) Utilities infrastructures, including power generation and distribution and water treatment and distribution systems.
- (44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces, such as steel (or concrete), that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure and be tested in accordance with ASTM Method D4082-89* "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", January 2002 readily easy to decontaminate, and resistant to various chemicals to which coatings are likely to be exposed and be tested in accordance with ASTM Method D3912-80 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", approved January 2001.
- (45) "Person" has the meaning set forth in [IC 13-11-2-158\(a\)](#).
- (46) "Postconsumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer. The term does not include manufacturing wastes.
- (47) "Pretreatment wash primer" means a primer that:
- (A) contains a minimum of five-tenths percent (0.5%) acid, by weight, when tested in accordance with ASTM D1613-03* "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", October 2003; and
 - (B) is labeled and formulated for application directly to bare metal surfaces to:
 - (i) provide corrosion resistance; and
 - (ii) promote adhesion of subsequent topcoats.
- (48) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

(49) "Quick-dry enamel" means a nonflat coating that is labeled as specified in section 4(8) of this rule and that is formulated to have the following characteristics:

(A) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen (16) and twenty-seven (27) degrees Celsius (sixty (60) and eighty (80) degrees Fahrenheit).

(B) When tested in accordance with ASTM D1640-03* "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003:

(i) sets to touch in two (2) hours or less;

(ii) is tack free in four (4) hours or less;

(iii) dries hard in eight (8) hours or less by the mechanical test method; and

(iv) has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.

(50) "Quick-dry primer, sealer, and undercoater" means a primer, sealer, or undercoater that:

(A) is dry to the touch in thirty (30) minutes; and

(B) can be recoated in two (2) hours when tested in accordance with ASTM D1640-03* "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003.

(51) "Recycled coating" means an architectural coating formulated such that not less than fifty percent (50%) of the total weight consists of secondary and postconsumer coating, with not less than ten percent (10%) of the total weight consisting of postconsumer coating.

(52) "Residence" means areas where people reside or lodge, including, but not limited to, the following:

(A) Single and multiple family dwellings.

(B) Condominiums.

(C) Mobile homes.

(D) Apartment complexes.

(E) Motels.

(F) Hotels.

(53) "Roof coating" means a nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. The term does not include metallic pigmented roof coatings that qualify as metallic pigmented coatings. These roof coatings shall be considered to be in the metallic pigmented coatings category.

(54) "Rust preventive coating" means a coating:

(A) formulated:

(i) exclusively for nonindustrial use; and

(ii) to prevent the corrosion of metal surfaces; and

(B) labeled as specified in section 4(6) of this rule.

(55) "Sanding sealer" means a clear or semitransparent wood coating labeled and formulated for application to bare wood to:

(A) seal the wood; and

(B) provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

The term does not include a sanding sealer that also meets the definition of a lacquer, but it is included in the lacquer category.

(56) "SCAQMD" means the South Coast Air Quality Management District in California.

(57) "Sealer" means a coating labeled and formulated for application to a substrate to prevent:

(A) subsequent coatings from being absorbed by the substrate; or

(B) harm to subsequent coatings by materials in the substrate.

(58) "Secondary coating (rework)" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. The term does not include excess virgin resources of the manufacturing process.

(59) "Shellac" means a clear or opaque coating:

(A) formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*);

(B) thinned with alcohol; and

(C) formulated to dry by evaporation without a chemical reaction.

(60) "Shop application" means an application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a:

(A) manufacturing;

(B) production; or

(C) repairing;

process.

(61) "Solicit" means to require for use or to specify, by written or oral contract.

(62) "Specialty primer, sealer, and undercoater" means a coating:

(A) labeled as required in section 4(7) of this rule; and

(B) formulated for application to:

(i) a substrate to seal fire, smoke, or water damage;

(ii) condition excessively chalky surfaces;

(iii) seal in efflorescence; or

(iv) block stains.

An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM D4214-98* "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", August 1998.

(63) "Stain" means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(64) "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must:

(A) penetrate into stone substrates to create bonds between particles and consolidate deteriorated material; and

(B) be specified and used in accordance with ASTM E2167-01* "Standard Guide for Selection and Use of Stone Consolidants".

(65) "Swimming pool coating" means a coating labeled and formulated to:

(A) coat the interior of swimming pools; and

(B) resist swimming pool chemicals.

(66) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

(67) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:

(A) the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and

(B) application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(68) "Thermoplastic rubber coating and mastics" means a coating or mastic:

(A) formulated and recommended for application to roofing or other structural surfaces; and

(B) that incorporates not less than forty percent (40%) by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to:

(i) fillers;

(ii) pigments; and

(iii) modifying resins.

(69) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, the following:

(A) Curbs.

(B) Berms.

(C) Driveways.

(D) Parking lots.

(E) Sidewalks.

(F) Airport runways.

(71) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.

(72) "U.S. EPA" means United States Environmental Protection Agency.

(73) "Varnish" means a clear or semitransparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to:

(A) color a surface; or

(B) control the final sheen or gloss of the finish.

(74) "Volatile organic compound" or "VOC" means a compound as defined in [326 IAC 1-2-90](#).

(75) "Waterproofing concrete or masonry sealer" means a clear or pigmented film forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against the following:

(A) Water.

(B) Alkalis.

(C) Acids.

(D) Ultraviolet light.

(E) Staining.

(76) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(77) "Wood preservative" means a coating:

(A) labeled and formulated to protect exposed wood from decay or insect attack; and

(B) that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136)*.

* These documents are incorporated by reference. Copies 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 8-14-2](#))

[326 IAC 8-14-3](#) Standards for AIM coatings

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 3. (a) Except as provided in subsections (c) and (d), on or after January 1, 2010, no person shall:

(1) manufacture, blend, or repackage for sale within the state of Indiana;

(2) supply, sell, or offer for sale within the state of Indiana; or

(3) solicit for application or apply within the state of Indiana;

any AIM coating with a VOC content in excess of the corresponding limit specified in subsection (b).

(b) Compliance with the VOC content limits shall not exceed the following limits:

Coating Category	VOC Limit (grams/liter)	VOC Limit (pounds/gallon)
Flat coatings	100	0.83
Nonflat coatings	150	1.25
Nonflat-high-gloss coatings	250	2.08
Specialty coatings:		
Antenna coatings	530	4.42
Antifouling coatings	400	3.33
Bituminous roof coatings	300	2.50
Bituminous roof primers	350	2.92
Bond breakers	350	2.92
Calcimine recoaters	475	3.96
Clear wood coatings:		
Clear brushing lacquers	680	5.67
Lacquers, including clear lacquer sanding sealers	550	4.59
Sanding sealers, excluding clear lacquers	350	2.92
Varnishes other than conversion varnishes	350	2.92
Conjugated oil varnish	450	3.75
Conversion varnish	725	6.04
Concrete curing compounds	350	2.92
Concrete surface retarders	780	6.50
Dry fog coatings	400	3.33
Faux finishing coatings	350	2.92
Fire-resistive coatings	350	2.92
Fire-retardant coatings (clear)	650	5.42

Fire-retardant coatings (opaque)	350	2.92
Floor coatings	250	2.08
Flow coatings	420	3.50
Form-release compounds	250	2.08
Graphic arts coatings (sign paints)	500	4.17
High temperature coatings	420	3.50
Impacted immersion coatings	780	6.50
Industrial maintenance coatings	340	2.83
Low-solids coatings	120	1.00
Magnesite cement coatings	450	3.75
Mastic texture coatings	300	2.50
Metallic pigmented coatings	500	4.17
Multicolor coatings	250	2.08
Nuclear coatings	450	3.75
Pretreatment wash primers	420	3.50
Primers, sealers, and undercoaters	200	1.67
Quick-dry enamels	250	2.08
Quick-dry primers, sealers, and undercoaters	200	1.67
Recycled coatings	250	2.08
Roof coatings	250	2.08
Rust preventive coatings	400	3.33
Shellacs (clear)	730	6.09
Shellacs (opaque)	550	4.59
Specialty primers, sealers, and undercoaters	350	2.92
Stains	250	2.08
Stone consolidants	450	
Swimming pool coatings	340	2.83
Swimming pool repair and maintenance coatings	340	2.83
Temperature-indicator safety coatings	550	4.59
Thermoplastic rubber coatings and mastics	550	4.59
Traffic marking coatings (ozone season-April 1 to October 31)	91	0.76
Traffic marking coatings (nonozone season- November 1 to March 31)	150	1.25
Waterproofing sealers	250	2.08
Waterproofing concrete or masonry sealers	400	3.33
Wood preservatives	350	2.92

Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

(c) If anywhere on the container of an AIM coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition or is recommended for use for more than one (1) of the categories listed in subsection (b), then the category with the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified as follows:

- (1) Lacquer coatings (including lacquer sending sealers).
- (2) Metallic pigmented coatings.
- (3) Shellacs.
- (4) Fire-retardant coatings.
- (5) Pretreatment wash primers.
- (6) Industrial maintenance coatings.
- (7) Low-solids coatings.
- (8) Wood preservatives.
- (9) High temperature coatings.
- (10) Temperature-indicator safety coatings.
- (11) Antenna coatings.
- (12) Antifouling coatings.
- (13) Flow coatings.

- (14) Bituminous roof primers.
- (15) Specialty primers, sealers, and undercoaters.
- (16) Thermoplastic rubber coatings and mastics.
- (17) Calcamine recoaters.
- (18) Impacted immersion coatings.
- (19) Nuclear coatings.

(d) The following sell through provisions apply to AIM coatings:

- (1) A coating manufactured prior to January 1, 2010, may be sold, supplied, or offered for sale until December 31, 2013.
- (2) A coating manufactured before January 1, 2010, may be applied at any time both before and after January 1, 2010, so long as the coating complied with the standards in effect at the time the coating was manufactured.
- (3) The provisions in subdivisions (1) and (2) do not apply to any coating that does not display the date or date code required by section 4(1) of this rule.

(e) The following work practices are required:

(1) All AIM coatings containers used to apply the contents therein to a surface directly from the container by:

- (A) pouring;
- (B) siphoning;
- (C) brushing;
- (D) rolling;
- (E) padding;
- (F) ragging; or
- (G) other means;

shall be closed when not in use.

(2) Containers of any VOC-containing materials used for thinning and cleanup shall be closed when not in use.

(f) No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subsection (b).

(g) No person shall apply or solicit the application of any rust preventative coating for industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC content limit specified in subsection (b). No person shall sell or offer for sale any rust preventative coating for application to any nonmetallic substrate, nor shall any person apply a rust preventative coating to any nonmetallic substrate.

(h) If a coating does not meet any of the definitions for the specialty coatings categories listed in subsection (b), the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high-gloss coating as defined in section 2 of this rule. The corresponding flat or nonflat coating VOC content limit shall apply.

(Air Pollution Control Board; [326 IAC 8-14-3](#))

[326 IAC 8-14-4](#) Container labeling

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. On and after January 1, 2010, each manufacturer of any AIM coating subject to this rule shall prominently display the following information on the coating container (or label) in which the coating is sold or distributed:

(1) A date code, as follows:

(A) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container.

(B) If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation

of each code with the department.

(2) Thinning recommendations, as follows:

(A) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(B) This requirement does not apply to the thinning of architectural coatings with water.

(C) If thinning of a coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(3) VOC content, as follows:

(A) Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning recommended by the manufacturer.

(B) VOC content shall be displayed in grams of VOC per liter of coating.

(C) VOC content displayed shall be:

(i) calculated using product formulation data; or

(ii) determined using the test methods in section 6(b) of this rule.

The equations in section 6(a) of this rule shall be used to calculate VOC content.

(4) The label or the lid of the container in which the coating is sold or distributed shall display one (1) or more of the following industrial maintenance coatings descriptions:

(A) "For industrial use only".

(B) "For professional use only".

(C) "Not for residential use".

(D) "Not intended for residential use".

(5) The labels of all clear brushing lacquers shall prominently display the following statements:

(A) "For brush application only".

(B) "This product must not be thinned or sprayed".

(6) The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only".

(7) The labels of all specialty primers, sealers, and undercoaters shall prominently display one (1) or more of the following descriptions:

(A) "For blocking stains".

(B) "For fire-damaged substrates".

(C) "For smoke-damaged substrates".

(D) "For water-damaged substrates".

(E) "For excessively chalky substrates".

(F) "To seal in efflorescence".

(8) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

(9) The labels of all nonflat-high-gloss coatings shall prominently display the words "High Gloss".

(10) The labels of all stone consolidants shall prominently display the statement "Stone Consolidant—For Professional Use Only".

(Air Pollution Control Board; [326 IAC 8-14-4](#))

[326 IAC 8-14-5](#) Recordkeeping and reporting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) Each manufacturer of a product subject to a VOC content limit in section 3(b) of this rule shall keep records demonstrating compliance with the VOC content limits. The records shall clearly list each product by all of the following:

(1) Name.

(2) Identifying number (if applicable).

(3) VOC content as determined by section 6 of this rule.

(4) Name or names and chemical abstract service (CAS) number of the VOC constituents in the product.

(5) Dates of the VOC content determinations.

(6) Coating category and applicable VOC content limit.

(b) The records required by subsection (a) shall be:

- (1) kept for a period not less than five (5) years; and
- (2) made available to the department for inspection within ninety (90) days of request.

(c) Each manufacturer shall, upon request of the department, provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 3(b) of this rule. The manufacturer shall within ninety (90) days provide the following information:

- (1) The name and mailing address of the manufacturer.
- (2) The name, address, and telephone number of a contact person.
- (3) The name of the product as it appears on the label and the coating category under which it is regulated, as listed in section 3(b) of this rule.
- (4) Whether the coating is marketed for interior use or exterior use, or both.
- (5) The number of gallons sold in the state of Indiana in containers greater than one (1) liter.
- (6) The actual VOC content and VOC content in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning.
- (7) The names and CAS number of the VOC constituents in the product.

(d) For each AIM coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before May 1 of each calendar year beginning with the year 2011, report to the department the following information for the product sold in the state during the preceding calendar year:

- (1) The product's brand name and a copy of the product label with the legible usage instructions.
- (2) The coating category, listed in section 3(b) of this rule, to which the coating belongs.
- (3) The total sales during the calendar year to the nearest gallon.
- (4) The volume percent, to the nearest one-tenth of one percent (0.10%), of perchloroethylene and methylene chloride in the coating.

(e) Manufacturers of recycled coatings must submit a letter to the department certifying their status as a recycled paint manufacturer. The manufacturer shall, on or before May 1 of each calendar year beginning with the year 2011, submit an annual report for the previous calendar year to the department. The report shall include for all recycled coatings the following information:

- (1) The total number of gallons distributed in Indiana during the preceding year.
- (2) A description of the method used by the manufacturer to calculate state distribution.

(f) Manufacturers of bituminous roof coatings or bituminous roof primers shall, on or before May 1 of each calendar year beginning with the year 2011, submit an annual report for the previous calendar year to the department. The report shall include the following information:

- (1) The total number of gallons of bituminous roof coatings or bituminous roof primers sold in Indiana during the preceding year.
- (2) A description of the method used by the manufacturer to calculate state sales.

(Air Pollution Control Board; [326 IAC 8-14-5](#))

[326 IAC 8-14-6](#) Compliance provisions and test methods

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 6. (a) For the purpose of determining compliance with the VOC content limits in section 3(b) of this rule, the VOC content of a coating shall be determined using the procedures described in subdivision (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. VOC content shall be determined as follows:

- (1) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:	VOC Content	=	grams of VOC per liter of coating
	W_s	=	weight of volatiles, in grams
	W_w	=	weight of water, in grams
	W_{ec}	=	weight of exempt compounds, in grams
	V_m	=	volume of coating, in liters
	V_w	=	volume of water, in liters
	V_{ec}	=	volume of exempt compounds, in liters

(2) For low solid coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content}_{ls} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:	VOC Content _{ls}	=	the VOC content of a low-solids coating in grams per liter of coating
	W_s	=	weight of volatiles, in grams
	W_w	=	weight of water, in grams
	W_{ec}	=	weight of exempt compounds, in grams
	V_m	=	volume of coating, in liters

(b) To determine the physical properties of a coating in order to perform the calculations in subsection (a), the reference method for VOC content is Method 24 of 40 CFR Part 60, Appendix A*, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91* "Determination of Volatile Organic Compounds in Various Materials", February 1996. The exempt compounds content shall be determined by SCAQMD Method 303-91* "Determination of Exempt Compounds", February 1993. To determine the VOC content of a coating, the manufacturer may use Method 24 of 40 CFR Part 60, Appendix A*, or an alternative method, as provided in subsection (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended, for example, quality assurance checks, recordkeeping. However, if there are any inconsistencies between the results of a test conducted utilizing Method 24 of 40 CFR Part 60, Appendix A* and any other means for determining VOC content, the results of the test utilizing Method 24 of 40 CFR Part 60, Appendix A* will govern, except when an alternative method is approved as specified in subsection (c). The department may require the manufacturer to conduct an analysis using Method 24 of 40 CFR Part 60, Appendix A*.

(c) The use of alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) after review and approval in writing by the department and the U.S. EPA may be used.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Method 24* of 40 CFR 59 Part 60, Appendix A*. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

*These documents are incorporated by reference. Copies 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 8-14-6](#))

[326 IAC 8-14-7](#) Application of traffic marking materials

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 7. (a) After January 1, 2011, during the ozone season (April 1 to October 31), no person may cause, allow, or permit the application of traffic marking material that exceeds the following limits:

- (1) For traffic marking material that is a liquid at the time of application, the VOC content limits listed in section 3(b) of this rule.
- (2) For field-reacted traffic marking material, or for traffic marking material that is not measurable as a liquid at the time of application, a VOC emission rate of three and six-tenths (3.6) kilograms per stripe-kilometer or twelve and two-tenths (12.2) pounds per stripe-mile.

(b) Any person subject to this section who applies traffic marking material shall maintain the following records:

- (1) Types and amounts of traffic marking materials purchased annually.
- (2) The VOC content or emission rate of each type of traffic marking material applied in any of the following:
 - (A) Grams per liter.
 - (B) Pounds per gallon.
 - (C) Kilograms per stripe-kilometer.
 - (D) Pounds per stripe-mile.
- (3) Monthly quantities of each type of traffic marking material applied.

(c) The records required in subsection (b) shall be:

- (1) kept for a period of three (3) years after the traffic marking material is applied; and
- (2) made available to the department for inspection within ninety (90) days of the request.

(Air Pollution Control Board; [326 IAC 8-14-7](#))

[Notice of Public Hearing](#)

Posted: 10/15/2008 by Legislative Services Agency

An [html](#) version of this document.

D

IND DEPT ENVIRONMENTAL MGMT
MARION COUNTY, INDIANA

To: INDIANAPOLIS NEWSPAPERS
307 N PENNSYLVANIA ST - PO BOX 145
INDIANAPOLIS, IN 46206-0145

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter - (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set). - number of equivalent lines _____

Head - Number of lines _____

Body - Number of lines _____

Tail - Number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

167.0 lines 2.0 columns wide equals 334.0 equivalent lines at .446

cents per line

\$ 148.96

Additional charge for notices containing rule and figure work (50 per cent
of above amount) _____

Charges for extra proofs of publication (\$1.00 for each proof in excess of two) _____

.00

TOTAL AMOUNT OF CLAIM

\$ 148.96

DATA FOR COMPUTING COST

Width of single column 5.8 ems

Size of type 7

Number of insertions 1.0

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is
just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same
has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size,
which was duly published in said paper 1 times. The dates of publication being between the dates of:

04/29/2010 and 04/29/2010

Additionally, the statement checked below is true and correct:

☐ Newspaper does not have a Web site.

☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in
the newspaper

☐ Newspaper has a Web site, but due to a technical problem or error, public notice was posted on _____

☐ Newspaper has a Web site but refuses to post the public notice.

Kerry Dodson

DATE: 04/29/2010

Title: Clerk

INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (Board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at: <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: 2009 Update of "References to the Code of Federal Regulations" (LSA #10-132). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-1, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule, contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule, contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA #06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA #07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Outdoor Hydronic Heaters (LSA #05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Ben at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sben@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief
Rule and State Implementation Plan Development Section
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

(S - 4/29/10 - 5641153)

5/10

XI16 Indiana Dept of Environmental Mgmt

(Governmental Unit)

To EVANSVILLE COURIER & PRESS

VANDERBURGH

County, Indiana

PO Box 268, Evansville, IN 47702

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines

486

Head -- number of lines

0

Body -- number of lines

486

Tail -- number of lines

0

Total number of lines in notice

486

COMPUTATION OF CHARGES

243 lines, 2 columns wide equals 486 equivalent lines at 0.2216
cents per line

\$ 107.70

ATTACH
COPY OF
CLIPPING
HERE

Additional charges for notices containing rule or tabular work (50 per cent
of above amount)

\$ -

Charge for extra proofs of publication (\$1.00 for each proof in excess
of two)

\$ -

TOTAL AMOUNT OF CLAIM

\$ 107.70

DATA FOR COMPUTING COST

Width of single column in picas

5p8

Size of type 7 point

Number of insertions

1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is
just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same
has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size,
which was duly published in said paper 1 times. The dates of publication being as follows:

April 30, 2010

Additionally, the statement checked below is true and correct:

____ Newspaper does not have a Web site.

X

____ Newspaper has a Web site and this public notice was posted on the same day as it was published
in the newspaper.

____ Newspaper has a Web site, but due to technical problem or error, public notice was posted on

____ Newspaper has a Web site but refuses to post the public notice.

Date

5/8/10

Title

Julie Lewis
Accounting Clerk

Accounting Clerk

ATTACH COPY
OF ADVERTISEMENT
HERE

EVANSVILLE COURIER AND PRESS, EVANSVILLE, IN

LEGAL NOTICE OF PUBLIC HEARING

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.
Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.
Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46801.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: 2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628)(in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628)(in Indiana), or asmith@idem.in.gov.

Outdoor Hydronic Heaters (LSA#08-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM2.5 emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief
Rule and State Implementation Plan Development Section
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification. (Courier & Press April 30, 2010)

The Journal Gazette

Allen County, Indiana

Account # 1060944 - 812926

Ind Dept Of Environmental Mgmt

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice

264

COMPUTATION OF CHARGES

132 lines, 2 column(s) wide equals264 equivalent lines at \$ 0.371 cents per line

\$ 97.94

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

48.97

Charge for extra proofs of publication
(\$1.00 for each proof in excess of two)

-

TOTAL AMOUNT OF CLAIM

\$ 146.91

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing
account is just and correct, that the amount claimed is legally due, after allowing all just credits,
and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width
and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

4/24/2010

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it
was published in The Journal Gazette.


T. Brown-Smith

Legal Clerk

Date: April 24, 2010

ATTACH COPY OF ADVERTISEMENT HERE

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently ☐ correct
☐ incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

THE JOURNAL GAZETTE, FT. WAYNE, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations: Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204. Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204. Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410. Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601. Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128. Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557. Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204. Hammond Public Library, 564 State Street, Hammond, Indiana 46320. Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802. Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: 2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards, that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules. For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628)(in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628)(in Indiana), or asmith@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM2.5 emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief
Rule and State Implementation Plan Development Section
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

4--24

812926

IDEM

(Governmental Unit)

To: The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

COMPUTATION OF CHARGES

234 lines, 1 columns wide equals 234 equivalent lines at 35.4 cents per line ----- \$ 82.93

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM -----

\$ 82.93

DATA FOR COMPUTING COST

Width of single column in picas 9p4
Number of insertions 1

Size of type 7.0 point.

20297554

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper one (1) time. The dates of publication being as follows:

April 27, 2010

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

..X.. Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Date April 27 2010

Kate Stephens

Title: Legal Clerk

THE TIMES MEDIA COMPANY, MUNSTER, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.
- Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.
- Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.
- Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.
- Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.
- Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.
- Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.
- Hammond Public Library, 564 State Street, Hammond, Indiana 46320.
- Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.
- Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action:

2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1, and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA #06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone.

The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA #07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Outdoor Hydronic Heaters (LSA #05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief
Rule and State Implementation Plan
Development Section
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of
Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204
or call (317) 233-1786. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification.
4/27 - 20297554

ATTACH COPY OF ADVERTISEMENT HERE

10EM
(Governmental Unit)

CLARK County, Indiana

To:
THE EVENING NEWS
221 SPRING STREET
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines 293
Body -- number of lines
Tail -- number of lines
Total number of lines in notice 293

COMPUTATION OF CHARGES

293 lines, 1 columns wide equals 293 equivalent lines at 3422 cents per line \$ 100.27
Additional charges for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)
TOTAL AMOUNT OF CLAIM \$ 100.27

DATA FOR COMPUTING COST

Width of single column in picas
Number of insertions
Size of type 7 point.

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

April 28, 2010

Additionally, the statement checked below is true and correct:

- ☒ Newspaper does not have a Web site.
☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
☐ Newspaper has a Web site, but due to technical problem or error, public notice was posted on
☐ Newspaper has a Web site but refuses to post the public notice.

Date 4-28-10

Melissa Tolnay
Legal Clerk

CLARK COUNTY EVENING NEWS, JEFFERSONVILLE, IN

LEGAL NOTICE of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at

<http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action:

2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or asmith@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM2.5 emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief Rule and State Implementation Plan Development Section

Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

IND DEPT ENVIRONMENTAL MGMT
MARION COUNTY, INDIANA

To: INDIANAPOLIS NEWSPAPERS
307 N PENNSYLVANIA ST - PO BOX 145
INDIANAPOLIS, IN 46206-0145

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter - (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set). - number of equivalent lines _____

Head - Number of lines _____

Body - Number of lines _____

Tail - Number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

188.0 lines 2.0 columns wide equals 376.0 equivalent lines at .446 cents per line

\$ 167.70

Additional charge for notices containing rule and figure work (50 per cent of above amount) _____

Charges for extra proofs of publication (\$1.00 for each proof in excess of two) .00

TOTAL AMOUNT OF CLAIM

\$ 167.70

DATA FOR COMPUTING COST

Width of single column 5.8 ems

Size of type 7

Number of insertions 1.0

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being between the dates of:

07/31/2010 and 07/31/2010

Additionally, the statement checked below is true and correct:

☐ Newspaper does not have a Web site.

☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper

☐ Newspaper has a Web site, but due to a technical problem or error, public notice was posted on _____

☐ Newspaper has a Web site but refuses to post the public notice.

Henry Dodson

DATE: 07/31/2010

Title: Clerk

INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102, notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, September 1, 2010. The meeting will convene at 1:00 p.m. at the Indiana Government Center-South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47677-0128.

Indiana Department of Environmental Management, Southeast Office, 620 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.idem.in.gov>.

The following rules are noticed for hearing and action: Ozone Redesignations (LSA #10-342). The purpose of this hearing is to receive public comment on amendments to 326 IAC 5-1-1 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County, and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 5-2-1 and 326 IAC 5-2-2, concerning miscellaneous metal and plastic surface coating operations that are proposed for adoption by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

Best Available Retrofit Technology (BART) Limits (LSA #09-496). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 5-2-7, concerning best available retrofit technology emission limits that is proposed for preliminary adoption by the board. The draft rule adds emission limits for Alcoa, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684) (in Indiana), or cpederse@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA #06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 5-1-4, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for final adoption by the board. The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8028 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA #07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 5-1-5, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for final adoption by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8028 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Carroll, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA #09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 5-1-1 and 326 IAC 5-1-2 concerning the particulate matter (PM) and sulfur dioxide (SO₂) emission limitations at Carroll, Incorporated (Carroll) in Hammond, Indiana that are proposed for final adoption by the board. The draft rule updates Carroll's SO₂ emission limits for consistency with a federal consent decree and removes emissions units no longer in operation at Carroll. It also removes emissions units in the PM rules that Carroll has shut down.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Outdoor Hydronic Heaters (LSA #05-132). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 5-1-1, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief Rule and State Implementation Plan Development Section, Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing-impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

(S - 7/31/10 - 5685328)

XI16 Indiana Dept of Environmental Mgmt
(Governmental Unit)

To **EVANSVILLE COURIER & PRESS**

VANDERBURGH

County, Indiana

PO Box 268, Evansville, IN 47702

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines	555
Head -- number of lines	0
Body -- number of lines	555
Tail -- number of lines	0
Total number of lines in notice	555

COMPUTATION OF CHARGES

277.5 lines, 2 columns wide equals 555 equivalent lines at 0.2216	\$ 122.99
cents per line	
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	\$ -
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)	\$ -
TOTAL AMOUNT OF CLAIM	\$ 122.99

ATTACH
COPY OF
CLIPPING
HERE

DATA FOR COMPUTING COST

Width of single column in picas **5p8** Size of type **7** point
Number of insertions **1**

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper **1** times. The dates of publication being as follows:

July 29, 2010

Additionally, the statement checked below is true and correct:

☐ Newspaper does not have a Web site.
☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
☐ Newspaper has a Web site, but due to technical problem or error, public notice was posted on
☐ Newspaper has a Web site but refuses to post the public notice.

Date

8/3/10

Title

Julie Lewis
Accounting Clerk

ATTACH COPY
OF ADVERTISEMENT
HERE

EVANSVILLE COURIER AND PRESS, EVANSVILLE, IN

LEGAL NOTICE OF PUBLIC HEARING

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, September 1, 2010. The meeting will convene at 1:00 p.m. at the Indiana Government Center-South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204. Legislative Services Agency, Indiana Government Center-North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410. Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: Ozone Redesignations (LSA #10-342). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-2-1 and 326 IAC 8-2-9, concerning miscellaneous metal and plastic surface coating operations that are proposed for adoption by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or sbem@idem.in.gov.

Best Available Retrofit Technology (BART) Limits (LSA#09-498). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 26-2, concerning best available retrofit technology emission limits that is proposed for preliminary adoption by the board. The draft rule adds emission limits for Alcoa, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684)(in Indiana), or cpederse@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and

industrial maintenance (AIM) coatings that is proposed for final adoption by the board. The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30). For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229)(in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for final adoption by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229)(in Indiana), or asmith@idem.in.gov.

Cargill, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA#09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 6.8 and 326 IAC 7 concerning the particulate matter (PM) and sulfur dioxide (SO₂) emission limitations at Cargill, Incorporated (Cargill) in Hammond, Indiana that are proposed for final adoption by the board. The draft rule updates Cargill's SO₂ emission limits for consistency with a federal consent decree and removes emissions units no longer in operation at Cargill. It also removes emissions units in the PM rules that Cargill has shut down.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief

Rule and State Implementation Plan Development Section

Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 N. Senate Avenue

Indianapolis, IN 46204

(Courier & Press July 29, 2010)

The Journal Gazette

Allen County, Indiana

Account # 1060944 - 837551
Ind Dept Of Environmental Mgmt

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice

312

COMPUTATION OF CHARGES

156 lines, 2 column(s) wide equals312 equivalent lines at \$ 0.371 cents per line

\$ 115.75

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

57.88

Charge for extra proofs of publication
(\$1.00 for each proof in excess of two)

-

TOTAL AMOUNT OF CLAIM

\$ 173.63

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing
account is just and correct, that the amount claimed is legally due, after allowing all just credits,
and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width
and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

7/28/2010

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it
was published in The Journal Gazette.

T. Brown-Smith

Legal Clerk

Date: July 28, 2010

ATTACH COPY OF ADVERTISEMENT HERE

THE JOURNAL GAZETTE, FT. WAYNE, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, September 1, 2010. The meeting will convene at 1:00 p.m. at the Indiana Government Center-South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations: Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, Indiana Government Center-North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.
Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.
Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.
Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.
Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.
Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.
Hammond Public Library, 564 State Street, Hammond, Indiana 46320.
Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.
Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: Ozone Redesignations (LSA #10-342). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-2-1 and 326 IAC 8-2-9, concerning miscellaneous metal and plastic surface coating operations that are proposed for adoption by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or sbem@idem.in.gov.

Best Available Retrofit Technology (BART) Limits (LSA#09-498). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 26-2, concerning best available retrofit technology emission limits that is proposed for preliminary adoption by the board. The draft rule adds emission limits for Alcoa, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684)(in Indiana), or cpederse@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for final adoption by the board. The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229)(in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concern-

ing emissions of volatile organic compounds from consumer and commercial products that is proposed for final adoption by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229)(in Indiana), or asmith@idem.in.gov.

Cargill, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA#09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 6.8 and 326 IAC 7 concerning the particulate matter (PM) and sulfur dioxide (SO2) emission limitations at Cargill, Incorporated (Cargill) in Hammond, Indiana that are proposed for final adoption by the board. The draft rule updates Cargill's SO2 emission limits for consistency with a federal consent decree and removes emissions units no longer in operation at Cargill. It also removes emissions units in the PM rules that Cargill has shut down.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or mcleveng@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM2.5 emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief Rule and State Implementation Plan Development Section Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

837551

7-28

06-604

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

1DEM

(Governmental Unit)

To: The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

COMPUTATION OF CHARGES

138 lines, 2 columns wide equals 276 equivalent lines at 35.4 cents per line -----

\$ 97.81

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM -----

\$ 97.81

DATA FOR COMPUTING COST

Width of single column in picas 9p4
Number of insertions 1

Size of type 7.0 point.

26325174

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper one (1) time. The dates of publication being as follows:

July 31, 2010

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

..X.. Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Kate Stephens

Title: Legal Clerk

Date

August 3, 2010

THE TIMES MEDIA COMPANY, MUNSTER, IN

Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, September 1, 2010. The meeting will convene at 1:00 p.m. at the Indiana Government Center-South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.
- Legislative Services Agency, Indiana Government Center-North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.
- Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.
- Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.
- Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes, Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.
- Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.
- Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.
- Hammond Public Library, 564 State Street, Hammond, Indiana 46320.
- Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.
- Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action:

Ozone Redesignations (LSA #10-342). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-2-1 and 326 IAC 8-2-9, concerning miscellaneous metal and plastic surface coating operations that are proposed for adoption by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

Best Available Retrofit Technology (BART) Limits (LSA#09-498). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 26-2, concerning best available retrofit technology emission limits that is proposed for preliminary adoption by the board. The draft rule adds emission limits for Alcoa, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684) (in Indiana), or cpederse@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for final adoption by the board. The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for final adoption by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Cargill, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA#09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 6.8 and 326 IAC 7 concerning the particulate matter (PM) and sulfur dioxide (SO₂) emission limitations at Cargill, Incorporated (Cargill) in Hammond, Indiana that are proposed for final adoption by the board. The draft rule updates Cargill's SO₂ emission limits for consistency with a federal consent decree and removes emissions units no longer in operation at Cargill. It also removes emissions units in the PM rules that Cargill has shut down.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief
Rule and State Implementation Plan Development Section
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification. 7/30 - 20325174

IDEM- Office of Air Quality

(Governmental Unit)

Clark County, Indiana

To.
THE EVENING NEWS
221 SPRING ST
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines	-----	342
Body -- number of lines	-----	
Tail -- number of lines	-----	
Total number of lines in notice	-----	342

COMPUTATION OF CHARGES

<u>342</u> lines <u>1</u> columns wide equals <u>342</u> equivalent lines at <u>.2690</u>	
cents per line	\$ <u>92.00</u>
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	-----
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)	-----
TOTAL AMOUNT OF CLAIM	\$ <u>92.00</u>

DATA FOR COMPUTING COST

Width of single column in picas 7pica 1 pt Size of type 7 point.
Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

July 30, 2010

Additionally, the statement checked below is true and correct:

- ☐ Newspaper does not have a Web site.
☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
☐ Newspaper has a Web site, but due to technical problem or error, public notice was posted on
☐ Newspaper has a Web site but refuses to post the public notice.

Date **09/10/10**


Melissa Tolnay, Legal Clerk

Reference Number **06524578**

FEDERAL ID#

55-0870768

LEGAL ADVERTISING

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF:

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently ☐ correct
☐ incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

CLARK COUNTY EVENING NEWS, JEFFERSONVILLE, IN

Legal Notice

of Public Hearing
Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on **Wednesday, September 1, 2010**. The meeting will convene at 1:00 p.m. at the Indiana Government Center South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713. Board documents may be viewed and downloaded from the Indiana Department of Environmental

Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are notified for hearing and action: **Ozone Redesignations (LSA #10-342)**. The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is **proposed for adoption** by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Cleveenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-2-1 and 326 IAC 8-2-9, concerning miscellaneous metal and plastic surface coating operations that are **proposed for adoption** by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

Best Available Retrofit Technology (BART) Limits (LSA#09-498). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 26-2, concerning best available retrofit technology emission limits that is **proposed for preliminary adoption** by the board. The draft rule adds emission limits for Alco, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air

Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684) (in Indiana), or cpederse@idem.in.gov.

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is **proposed for final adoption** by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is **proposed for final adoption** by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this

rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or asmith@idem.in.gov.

Cargill, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA#09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 6.8 and 326 IAC 7 concerning the particulate matter (PM) and sulfur dioxide (SO₂) emission limitations at Cargill, Incorporated (Cargill) in Hammond, Indiana that are **proposed for final adoption** by the board. The draft rule updates Cargill's SO₂ emission limits for consistency with a federal consent decree and removes emissions units no longer in operation at Cargill. It also removes emissions units in the PM rules that Cargill has shut down.

For additional information concerning this rule contact Manda Cleveenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or mcleveng@idem.in.gov.

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is **proposed for preliminary adoption** by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM_{2.5} emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or sbem@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board. Christine Pedersen, Chief Rule and State Implementation Plan Development Section Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at: Attn: ADA Coordinator Indiana Department of Environmental Management 100 N. Senate Avenue Indianapolis, IN 46204 or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

E

1 BEFORE THE STATE OF INDIANA

2 AIR POLLUTION CONTROL BOARD

3 - - -

4
5 PUBLIC MEETING OF JUNE 2, 2010

6
7 - - - ORIGINAL

8
9 PROCEEDINGS

10 before the Indiana Air Pollution Control Board,
11 Dr. James Miner, Chairman, taken before me,
12 Lindy L. Meyer, Jr., a Notary Public in and for
13 the State of Indiana, County of Shelby, at
14 Columbus East High School Auditorium, 230 South
15 Marr Road, Columbus, Indiana, on Wednesday,
16 June 2, 2010 at 4:13 o'clock p.m.

17 - - -

18
19
20
21 William F. Daniels, RPR/CP CM d/b/a
22 ACCURATE REPORTING OF INDIANA
23 12922 Brighton Avenue
 Carmel, Indiana 46032
 (317) 848-0088

1 APPEARANCES:

2 BOARD MEMBERS:

3 Dr. James Miner, M.D.
4 Thomas Anderson
5 Randy Staley
6 Gregory Kissel
7 Chris Horn
8 Dr. Phil Stevens
9 Jeffery Quyle
10 David Benshoof
11 Howard W. Cundiff, Proxy, State Board of
12 Health
13 John Bacone, Proxy, Department of
14 Natural Resources
15 Pamela Fisher, Proxy, Indiana Economic
16 Development Corporation

10

11 IDEM STAFF MEMBERS:

12 Thomas W. Easterly, IDEM Commissioner
13 Keith Baugues, Asst. Commissioner
14 Scott Deloney
15 Chris Pedersen
16 Manda Clevenger
17 Amy Smith
18 Cynthia Holladay
19 Susan Bem
20 Ann Long
21 Catherine Mitchell

16

17 PUBLIC SPEAKERS:

18 Paul Berebitsky
19 David C. Ragan
20 Mark Kessler
21 Jimmy W. Bates
22 Frank L. Moore
23 Patty Nocek
Ron Phillips
Deborah Chubb
Paul Hoopengartner
Mark Johns
Tom Moosbrugger
Greg Walker

1 PUBLIC SPEAKERS (CONT.):

2 Lisa Deaton

3 Jerry Clark

4 Roy Burton

5 David Miller (his wife)

6 Jodi Perras

7 Roger Hunter

8 Janet Gunter

9 Edwin A. Moll

10 Diane Titus

11 Dan Hasty

12 Blaine Boyland

13 Dan West

14 Zach Morris

15 Gary Kendrick

16 Brian Hoagland

17 Steve Musgrave

18

19

20

21

22

23

24

25

26

27

28

29

30

31

1 CHAIRMAN MINER: Mr. Quyle votes yes.

2 Dr. Stevens?

3 DR. STEVENS: Yes.

4 CHAIRMAN MINER: Dr. Stevens votes
5 yes.

6 Mr. Bacone?

7 MR. BACONE: Aye.

8 CHAIRMAN MINER: Mr. Bacone votes
9 yes.

10 Mr. Anderson?

11 MR. ANDERSON: Aye.

12 CHAIRMAN MINER: Mr. Anderson votes
13 yes, and I vote yes as well. The motion is
14 adopted unanimously.

15 The next item on our agenda is a public
16 hearing before the Air Pollution Control Board of
17 the State of Indiana regarding preliminary
18 adoption of new Rules 326 IAC 8-14, Architectural
19 and Industrial Maintenance Coatings.

20 I will now introduce -- thank you,
21 Chris -- Exhibit No. 4, the draft rule, into the
22 hearing.

23 Is there someone from the Department who

1 wishes to speak to this rule?

2 MR. DELONEY: Amy Smith. We have
3 someone other than Manda that's been busy the
4 past few months.

5 CHAIRMAN MINER: Ms. Smith?

6 MS. SMITH: Hi. My name is Amy
7 Smith, and I'm a rule writer in IDEM's Rule and
8 SIP Development Section.

9 In this rulemaking, IDEM proposes to add a
10 new rule to the Article 8 VOC rules at
11 326 IAC 8-14 concerning Architectural and
12 Industrial Maintenance Coatings, also known as
13 AIM Coatings.

14 This rulemaking is a larger part of VOC
15 control rules that Indiana has agreed to complete
16 based on recommendations from the Lake Michigan
17 Air Directors Consortium to its member states to
18 reduce VOC emissions and ozone formation in the
19 Upper Midwest and the Eastern United States.

20 AIM coatings are used to beautify and
21 protect homes, office buildings, factories,
22 pavements, curbs and their appurtenances on a
23 variety of surfaces such as metal, wood, plastics

1 and concrete. These coatings are applied to both
2 the interior and exterior. AIM coatings may be
3 applied by brush, roller or spray gun by
4 consumers, painting contractors or maintenance
5 personnel.

6 AIM coatings include over 50 subcategories
7 such as interior and exterior paints, traffic
8 markings, sign paints and industrial maintenance
9 coatings. VOC emissions result from the
10 evaporation of solvents in the coatings during
11 application and drying.

12 The Federal Government currently regulates
13 VOC's from AIM coatings at 40 CFR 59, Subpart D,
14 which went into effect in September of 1999. The
15 federal rule limits the VOC content of AIM
16 coatings manufactured for sale or distribution in
17 the United States, imposes container labeling,
18 record keeping, and reporting requirements on
19 manufacturers or importers of AIM coatings.

20 The federal AIM coatings rule was
21 estimated to yield VOC reductions of 20 percent
22 from the previously uncontrolled levels.
23 However, advances in technology since 1999 have

1 made lower VOC content limits in AIM coatings
2 feasible, while maintaining levels of performance
3 and durability similar to coatings with higher
4 VOC concentration levels.

5 Indiana's draft rule is based on the Ozone
6 Transport Commission's (OTC) 2001 model rule
7 supplemented by regulation of the VOC content in
8 traffic marking coatings consistent with
9 Wisconsin's traffic markings VOC rule.

10 The OTC is a multistate organization
11 created under the Clean Air Act that is
12 responsible for developing regional solutions to
13 the ground level ozone problem in the Northeast
14 and Mid-Atlantic regions of the U.S. The OTC
15 model rule includes VOC content limits for more
16 AIM coatings categories than the current federal
17 rule.

18 The draft rule applies to any person who
19 supplies, sells or manufactures any AIM coating
20 for use within Indiana, and any person who
21 applies or solicits the application of any AIM
22 coating. The rule includes VOC content limits
23 for approximately 55 categories of AIM coatings,

1 some of which are currently regulated by the
2 existing federal rule. However, the OTC model
3 rule generally lowers the VOC content limits for
4 those categories of AIM coatings. The draft rule
5 also includes container labeling requirements,
6 record keeping and reporting requirements, and
7 compliance and test methods.

8 In order to ease implementation, the rule
9 has a three-year sell-through provision that
10 allows distributors and retailers to sell
11 products manufactured before the rule's effective
12 date. Additionally, coatings manufactured before
13 the rule's effective date may be applied at any
14 time so long as the coating complied with the
15 standards in effect at the time the coating was
16 manufactured.

17 Finally, LADCO recommended, in conjunction
18 with the OTC model rule, implementation of the
19 Wisconsin rule limiting the VOC content of
20 traffic markings. Indiana's draft rule includes
21 application standards and a lower VOC content
22 limit for traffic marking coatings applicable
23 during the ozone season specified in the rule as

1 May 1st through September 30th.

2 IDEM has received comments specific to
3 this portion of the draft rule during the Second
4 Notice of Comment Period and, most recently,
5 after the preparation and distribution of the
6 Board packet. The department is taking these
7 comments under consideration prior to final
8 adoption of this rule.

9 Although the draft rule is substantively
10 based on the OTC model rule, Indiana has opted
11 not to include the following provisions from the
12 OTC model rule: A petition provision for
13 industrial maintenance coatings; and the annual
14 submission of reports for manufacturers of clear
15 brushing lacquers, rust preventative coatings,
16 specialty primers, sealers, undercoaters, toxic
17 exempt compounds, recycled coatings, and
18 bituminous coatings.

19 IDEM modified the OTC's language requiring
20 annual reports of sales of these types of
21 products so that all manufacturers, as part of
22 their record keeping requirements, shall
23 maintain their sales information for Indiana and

1 shall only submit that information upon the
2 Department's request.

3 The VOC content limits and requirements of
4 the OTC model rule have been in force in
5 California and the majority of OTC states
6 including Delaware, District of Columbia, Maine,
7 Maryland, Massachusetts, New Hampshire,
8 New Jersey, New York, Pennsylvania, Rhode Island
9 and Virginia since 2005. Furthermore, Ohio and
10 Illinois have effective AIMS coatings rules based
11 on the OTC model rule.

12 Indiana, as a participant in LADCO, has
13 agreed to regulate VOC emissions from source
14 categories that it has not previously regulated
15 in order to reduce its contribution to regional
16 ozone formation. The reductions in VOC's
17 expected from this rulemaking are part of the
18 Department's state implementation development
19 process.

20 Therefore, the Department requests that
21 the Board adopt the new rule concerning AIM
22 coatings to the Article 8 VOC rules at
23 326 IAC 8-14.

1 CHAIRMAN MINER: Thank you,
2 Ms. Smith.

3 I have one card in regards to this.
4 Mr. Berebitsky?

5 MR. BEREBITSKY: I have copies of my
6 comments that I'll pass around here.

7 Thank you. I'm Paul Berebitsky. I'm a
8 staff member with the Indiana Construction
9 Association.

10 ICA is a statewide trade association of
11 building, heavy highway and utility contractors,
12 and we offer the following comments in regard to
13 the proposed changes in this document.

14 While today's comments focus on traffic
15 marking paint and epoxy penetrating sealer, we
16 continue to research the potential impact of this
17 proposal on other coatings used in the
18 construction industry. We are particularly
19 interested in availability, quality of products
20 that comply with the proposed VOC limits, and
21 costs. We may have information relative to other
22 products when the proposal reaches the next step
23 in the rulemaking process.

1 For now, we have four concerns with the
2 proposal at it pertains to traffic markings.
3 First, we recommend that the ozone season limit
4 be increased from 91 grams per liter to 105.
5 This would allow a broader range of products to
6 be used, with the resulting added competition
7 helping to control costs. Even at 105 grams per
8 liter, the limit would be well below the
9 allowable threshold for most of the other
10 products that are covered in this rulemaking.

11 Second, while products satisfying the
12 150-grams-per-liter content limit would be
13 suitable for some of the fall and spring season,
14 outside of the ozone season, where temperature
15 and humidity levels can greatly impact product
16 performance, ICA believes products that are
17 currently allowed under the U.S. EPA regulation
18 should be allowed during a limited three-to-four-
19 week window during the late fall.

20 The placement of traffic markings, whether
21 they be permanent markings or temporary markings,
22 is one of the final operations that occurs during
23 the highway construction season. If other work

1 is postponed for any number of valid reasons, the
2 placement of traffic markings may need to occur
3 during less-than-suitable climatic conditions.
4 Yet it is imperative that secure markings be
5 placed for the safety of motorists.

6 Now, these changes that ICI -- ICA
7 recommends would still limit VOC emissions, but
8 without jeopardizing highway safety.

9 The third concern with the proposal as it
10 affects traffic marking materials is in regard to
11 the record keeping requirements for users of
12 these materials. For other materials covered by
13 this proposal, the record keeping requirements,
14 at least as I understand it, apply only to the
15 product manufacturer.

16 ICA doesn't think there is any
17 justification for treating traffic marking
18 materials differently. Furthermore, the proposal
19 you are considering today requires those records
20 to be maintained for five years. This is two
21 years -- two additional years compared to the
22 additional Second Notice of Comment Period
23 version that was published back in October.

1 of 2008.

2 Our fourth and final concern regarding the
3 impact the proposal will have on traffic marking
4 materials pertains to the Section 7 provisions
5 that make the ozone season limitation effective
6 in 2011. While most other effective dates in the
7 proposed rule were pushed back one year as a
8 result of the several changes and delays in the
9 public hearing, the date in Section 7 has not
10 been revised.

11 The wording in this section also appears
12 to nullify for traffic markings the sell-through
13 provisions in Section 3(d) that allow materials
14 manufactured before the effective date of this
15 rule to be sold and used for an extended period
16 of time.

17 Our other area of concern pertains to
18 epoxy-penetrating sealer, which is product used
19 to protect concrete bridge decks. We believe,
20 although we've not been able to verify, that none
21 of the products approved for use by the Indiana
22 Department of Transportation comply with the
23 proposed VOC limits. While products with lower

1 VOC limits are available in the market, INDOT
2 requires the contractors use only those products
3 on its approved list.

4 Unless INDOT were to find that the other
5 products are acceptable, adoption of this rule
6 would put contractors in a Catch 22 situation of
7 not being able to use the INDOT-acceptable
8 products because of their VOC content, but not
9 being able to use the other products due to lack
10 of acceptability to INDOT. We also understand
11 that contractors would have to invest in new
12 equipment to use some of the thicker and lower
13 VOC products because those products could not be
14 sprayed using existing equipment, so there would
15 be a cost impact.

16 So, I appreciate the opportunity to
17 present our concerns to the Board. I would be
18 happy to try to address any questions you may
19 have.

20 CHAIRMAN MINER: Are there any
21 questions for Paul at this time?

22 MR. BENSHOOF: Yes.

23 CHAIRMAN MINER: Yes, David.

1 MR. BENSHOOF: Changing from 91 grams
2 per liter to 105, you state that would allow a
3 broader range of products to be used. What --
4 give us an example of how that would --

5 MR. BEREBITSKY: That's based on
6 discussions I had with a paint manufacturer who
7 indicated that they have a product out there that
8 comes in at around 105, so if you drop the 91,
9 that product could not be used during the ozone
10 season.

11 CHAIRMAN MINER: Any other questions
12 for Mr. Berebitsky?

13 (No response.)

14 CHAIRMAN MINER: Thank you, Paul.

15 MR. BEREBITSKY: Thank you.

16 CHAIRMAN MINER: I have no other
17 cards at this time. Is there anyone else in the
18 audience who wishes to speak at this time?

19 (No response.)

20 CHAIRMAN MINER: This hearing is now
21 concluded. We are ready for Board action on
22 preliminary adoption of new rule 326 IAC 8-14,
23 Architectural and Industrial Maintenance, also

1 known as AIM, Coatings.

2 MS. PEDERSEN: Dr. Miner?

3 CHAIRMAN MINER: Yes.

4 AUDIENCE MEMBER: I have a question.

5 Is there anything in rules that's going into
6 effect right now that -- do they have anything to
7 do with the hydronic heaters in any way?

8 CHAIRMAN MINER: No.

9 AUDIENCE MEMBER: Okay. Well, my
10 comments will be tabled.

11 CHAIRMAN MINER: All right.

12 AUDIENCE MEMBER: Thank you.

13 CHAIRMAN MINER: No problem.

14 MR. BENSHOOF: I do have a question
15 of IDEM, if I could ask.

16 CHAIRMAN MINER: Yes.

17 MR. BENSHOOF: These numbers that are
18 in here, obviously this is -- this is driven by
19 the states around us and the whole -- where do
20 these numbers come from? If we changed it from
21 91 to 105, what impact does that have on the rest
22 of this number and can we proceed if that number
23 was changed to 105?

1 MR. DELONEY: Are you referring to
2 the fiscal impact analysis?

3 MR. BENSHOOF: No, I'm referring
4 to -- we have a list of numbers in compliance on
5 page 11.

6 MR. DELONEY: Okay.

7 MR. BENSHOOF: It says, "Compliance
8 with the VOC content limits shall not exceed the
9 following limits," and what he's requesting is it
10 be moved from 91 to 105 on the limit per grams
11 per liter, and what I'm trying to decide here is:
12 What kind of impact does that have if it gives
13 them much greater ability to use -- you know, I
14 mean there's a lot of construction going on, a
15 lot of road construction going on, and there's
16 going to be a lot more road construction going on
17 in the State of Indiana.

18 And is this going to be a very
19 negligible -- and also, I think the key point
20 here is the safety of being able to get these --
21 I mean I drive 465 every day from 69 to Meridian
22 Street, and there's not markings put down in
23 there timely all of the time, and redone so you

1 can see them.

2 What's one or two -- I mean the wrecks
3 that's gone on, what's one or two lives versus
4 the impact? So, I guess the question that I have
5 is: If we change this from 91 to 105 and gave
6 them so much broader use of materials, what im --
7 could we continue to move forward with
8 preliminarily adopting this rule, or does that
9 send you back to the drawing board?

10 MR. DELONEY: No. A few things.
11 First off, you know, the point that was made is,
12 is is that the availability of the products -- a
13 greater range of products would be available at
14 105 versus 91, and the products meeting
15 requirements in 91 are also available, but there
16 are a limited number of vendors that can supply
17 them.

18 And what I think his point is, is is that
19 this would increase the availability of products
20 available for use. What we have not done to this
21 date is look at what impact would that be in
22 terms of -- we have looked at cost/benefit from
23 total tons of VOC produced statewide, and that's

1 what's been factored into the chemical modeling
2 to date as well.

3 We have not looked at making this one
4 revision, but we have looked at the emissions
5 inventory and the overall benefit associated with
6 this. But as Amy had mentioned, these are
7 comments that we have received prior to today's
8 meeting and are still taking into consideration
9 with regard to finalizing the rule.

10 I think that it is very safe to say that
11 if we were to make these changes prior to final
12 adoption, that it would be logical outgrowth
13 associated with the rulemaking.

14 MR. CUNDIFF: But these are
15 recommended numbers, recommended by this Great
16 Lakes States Consortium, and are being looked at
17 by the other state as well; am I wrong?

18 MR. DELONEY: Well, I think that, you
19 know, that's something else associated with Amy's
20 presentation that's worth clarifying, is that the
21 traffic markings -- the traffic marking coatings
22 portion of our rule is not part of the OTC model
23 rule, the ozone; okay?

1 COMM. EASTERLY: LADCO.

2 MR. DELONEY: But it was a
3 recommendation made by the Lake Michigan Air
4 Directors Consortium.

5 MR. CUNDIFF: Okay.

6 MR. DELONEY: And it's based on the
7 Wisconsin model rule.

8 MR. BACONE: Mr. Chairman?

9 CHAIRMAN MINER: Yes, John.

10 MR. BACONE: So, these comments and
11 the comments submitted by Lilly, you will be
12 considering those as you continue to grow the
13 rule?

14 MR. DELONEY: Yes.

15 MR. BACONE: So, specifically we'll
16 get your comments on every one of these
17 suggestions at this time?

18 MR. DELONEY: That's correct.

19 COMM. EASTERLY: Yes, we'll consider
20 those before presenting the rule for final
21 adoption, but the part I want to come back to is
22 we don't know where EPA's ozone standards are
23 going to be come out. We know it's going to be

1 lower than the 0.75 that we don't meet right now.
2 We're just finally met the 0.85, and that's the
3 redesignation that we have today.

4 So, we're going to need emissions
5 reductions. If we don't get them here in the
6 place that we know we can get them, we're going
7 to have to get them some place that we don't know
8 how to do yet, so we're going to be conservative,
9 you know, and we can tell you the impacts, but
10 unless the product really doesn't exist, we're
11 going to be hard pressed to say, "Well, let's
12 give up that right now and look for something
13 else."

14 CHAIRMAN MINER: Yes.

15 MR. BENSHOOF: Mr. Chairman, I would
16 like to make an amendment to this preliminarily
17 adopted rule, if we're going to act on it, that
18 we change the number from 91 to 105.

19 CHAIRMAN MINER: I have a motion on
20 the floor for amending the presented preliminary
21 rule. Is there a second to Mr. Benshoof's
22 motion?

23 (No response.)

1 CHAIRMAN MINER: No second,
2 Mr. Benshoof, so your motion dies.

3 Any --

4 MR. BENSHOOF: Can I make a comment,
5 too, to that?

6 CHAIRMAN MINER: Sure.

7 MR. BENSHOOF: I think we need to be
8 very careful, especially as we look at -- I mean
9 highway safety has got to be a priority to us,
10 and to be putting these contractors out there,
11 limiting their vendors' ability of product they
12 get, which increases their costs, which increase
13 can cause a whole snowball effect, I don't think
14 this 91 figure -- I don't know about the rest of
15 them, but in particular when we're dealing with
16 highway traffic and markings and how important
17 that is, I would like to see some good reason why
18 91 is the number and not 105 when you're
19 restricted in the amount of products available
20 for use.

21 And if it's because we're driven by
22 meeting some ozone standard that we may have to
23 deal with to pick up somewhere else and we're

1 jeopardizing lives out on the road to do it
2 because of good markings, I've got a problem with
3 that. I mean there's a hierarchy of --

4 COMM. EASTERLY: They're available,
5 Dave.

6 MR. BENSHOOF: I realize --

7 COMM. EASTERLY: They're available.
8 There's just not enough manufacturers that --

9 MR. BENSHOOF: But they're limited.

10 COMM. EASTERLY: -- have an interest
11 in making sure that his marking is also safe.

12 MR. BENSHOOF: Right, but they're
13 limited, and I think you haven't come and shown
14 that 91 is going to produce that much more
15 reduction in ozone than the 105.

16 COMM. EASTERLY: It's 15 percent
17 less.

18 MR. BENSHOOF: All right. That's
19 what I hear.

20 CHAIRMAN MINER: I certainly think
21 that there are -- there will be good efforts on
22 the part of the Department to listen to all of
23 these comments and make reasonable decisions

1 going forward in a logical fashion, and I
2 certainly don't think that their intent in any
3 way is to jeopardize anybody's safety.

4 Any further comments or questions in this
5 regard at this time?

6 Yes.

7 MR. QUYLE: May I just make one
8 comment?

9 CHAIRMAN MINER: Yes.

10 MR. QUYLE: I know, I mean serving
11 two terms as the Commissioner, that the second
12 point the gentleman raised about how late in the
13 season markings are put down on pavement is a
14 consideration. I know that we have -- when we
15 put county roads in, we sometimes put paint down
16 before the season closes. So, the second point
17 raised, I'd like the staff to please take a look
18 at that and see if there's an opportunity there.

19 CHAIRMAN MINER: Very good.

20 Any other comments or questions?

21 (No response.)

22 CHAIRMAN MINER: All right. I would
23 entertain a motion at this time for preliminary

1 adoption of the draft rule.

2 MR. QUYLE: So moved.

3 CHAIRMAN MINER: I have a motion from
4 Mr. Quyle.

5 DR. STEVENS: Second.

6 CHAIRMAN MINER: A second from
7 Dr. Stevens.

8 Any further discussion?

9 (No response.)

10 CHAIRMAN MINER: All those in favor,
11 signify by saying aye.

12 MR. HORN: Aye.

13 MR. BACONE: Aye.

14 MR. ANDERSON: Aye.

15 MR. BENSHOOF: Aye.

16 MS. FISHER: Aye.

17 MR. CUNDIFF: Aye.

18 MR. QUYLE: Aye.

19 MR. KISSEL: Aye.

20 DR. STEVENS: Aye.

21 MR. STALEY: Aye.

22 CHAIRMAN MINER: Aye.

23 Opposed?

1 (No response.)

2 CHAIRMAN MINER: The motion carries
3 for preliminary adoption.

4 The next item on the agenda is a public
5 hearing before the Air Pollution Control Board of
6 the State of Indiana regarding preliminary
7 adoption of new rule 326 IAC 8-15, Consumer and
8 commercial products.

9 We will now introduce Exhibit No. 5 --
10 thank you, Chris -- the draft rule, into the
11 record of the hearing.

12 Is there someone from the Department who
13 wishes to speak in regards to this rule?

14 MR. DELONEY: Amy Smith.

15 CHAIRMAN MINER: Ms. Smith?

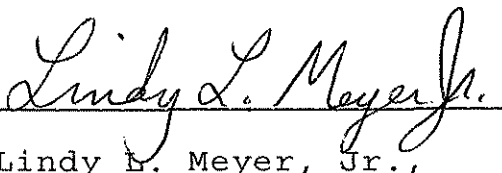
16 MS. SMITH: Again, my name's Amy
17 Smith, and I'm a rule writer in IDEM's Rule and
18 SIP Development Section.

19 In this rulemaking, IDEM proposes to add a
20 new rule to the Article 8 VOC Rules at
21 326 IAC 8-15 concerning consumer and commercial
22 products.

23 This rulemaking, along with the AIM

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, June 2, 2010 in this matter and
8 transcribed by me.

9
10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and
13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
16
17
18
19
20
21
22
23

F

BEFORE THE STATE OF INDIANA
AIR POLLUTION CONTROL BOARD

- - -

PUBLIC MEETING OF SEPTEMBER 1, 2010

- - -

ORIGINAL

PROCEEDINGS

before the Indiana Air Pollution Control Board,
Thomas Anderson, Chairman, taken before me,
Lindy L. Meyer, Jr., a Notary Public in and for
the State of Indiana, County of Shelby, at the
Indiana Government Center South, Conference
Center, Room C, 402 West Washington Street,
Indianapolis, Indiana, on Wednesday, September 1,
2010 at 1:02 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES:

2 BOARD MEMBERS:

3 Thomas Anderson, Chairman
David Benshoof
4 Randy Staley
Gregory Kissel
5 Chris Horn
Dr. Phil Stevens
6 Jeffery L. Quyle
Howard W. Cundiff, Proxy, State Board of
7 Health
John Bacone, Proxy, Department of
8 Natural Resources
Brandon Seitz, Proxy, Lieutenant
9 Governor
Pamela Fisher, Proxy, Indiana Economic
10 Development Corporation

11 IDEM STAFF MEMBERS:

12 Thomas W. Easterly, IDEM Commissioner
13 Keith Baugues, Asst. Commissioner
Scott Deloney
14 Chris Pedersen
Manda Clevenger
15 Susan Bem
Amy Smith
16 Catherine Mitchell

17 PUBLIC SPEAKERS:

18 Paul Berebitsky
19 Jodi Perras
Frank Moore
20 James Donnelly
Chris M. Holt
21
22
23

1 carries and the rule is preliminarily adopted.

2 Okay. We are at E.5.(a). This is a
3 public hearing before the Air Pollution Control
4 Board of the State of Indiana regarding final
5 adoption of a new rule, 326 IAC 8-14,
6 Architectural and Industrial Maintenance, AIM,
7 Coatings, LSA No. 06-604.

8 I will now introduce Exhibit 5, the
9 proposed rule as preliminarily adopted with
10 IDEM's suggested changes incorporated, into the
11 record of the hearing.

12 Is there anyone from the Department who
13 would like to comment on the rule?

14 MR. DELONEY: Amy Smith.

15 MS. SMITH: Hi. I'm Amy Smith, and
16 I'm a rule writer with the Office of Air Quality,
17 Rules SIP Development section.

18 In this rulemaking, IDEM proposes to add a
19 new rule to the Article 8 VOC rules at
20 326 IAC 8-14 concerning emissions of volatile
21 organic compounds from Architectural and
22 Industrial Maintenance Coatings. The proposed
23 rule was preliminarily adopted on June 2nd, 2010.

1 Following preliminary adoption IDEM made
2 the modeling amendments to the proposed rule:
3 IDEM amended the implementation date of the rule
4 from January 1st, 2011 to October 1st, 2011.
5 This revised implementation date will ensure that
6 regulated sources have adequate time to comply
7 with the new requirements. For consistency,
8 additional dates affecting sell-through
9 provisions were amended based on the new
10 October 1st, 2011 implementation date.

11 IDEM amended 326 IAC 8-14-3(b) to clarify
12 and correct rule language. The conversion factor
13 in the proposed rule, found at the end of the
14 table listing the VOC content limits, was for
15 pounds per gallon to grams per liter. However,
16 the metric units provided in the table are for
17 the primary limits.

18 Therefore, IDEM amended the conversion
19 factor by reversing it to provide the conversion
20 from grams per liter to pounds per gallon.
21 Because IDEM used a more specific conversion
22 factor than was used in the proposed rule, the
23 converted English units had to be amended to

1 account for the appropriate number of significant
2 figures.

3 Additionally, at the first public hearing
4 the Board received public comments on the draft
5 rule language. The following is a summary of
6 IDEM's subsequent amendments to the proposed rule
7 based on comments received during the first
8 public hearing.

9 First, the Indiana Construction
10 Association, ICA, recommended that the ozone
11 season of May 1st to September 30th VOC content
12 limit for traffic marking coatings be increased
13 from 91 grams per liter to 105 grams per liter.

14 Using information provided by the Indiana
15 Department of Transportation, IDEM determined
16 that the increase in area source emissions
17 resulting from this amendment would be
18 negligible. Per ICA's request, IDEM increased
19 the ozone season VOC content limit for traffic
20 marking coatings under 326 IAC 8-14-3(b) to 105
21 grams per liter.

22 Second, ICA requested that IDEM amend the
23 record-keeping requirements from five years to

1 three years. The Wisconsin traffic marking rule
2 on which the rule language for traffic marking
3 materials was based -- excuse me -- requires
4 records to be maintained for a period of three
5 years.

6 IDEM amended the record-keeping
7 requirements for traffic marking coatings under
8 326 IAC 8-14-7(c) to be consistent with the
9 language in Wisconsin's traffic marking rule, and
10 required records for traffic marking materials to
11 be maintained for a period of three years instead
12 of five.

13 Finally, ICA noted that the draft rule
14 language at 326 IAC 8-14-7(a) appeared to nullify
15 for traffic marking coatings the sell-through
16 provisions in Section 3(d) of the rule that
17 allows materials manufactured before the
18 implementation date of the rule to be sold and
19 used for an extended period of time.

20 IDEM amended the proposed rule language at
21 326 IAC 8-14-7(a) to ensure that sell-through
22 provisions for AIM coating in 326 IAC 8-14-3(d)
23 also applies to traffic marking coatings.

1 IDEM requests that the Board final adopt
2 the proposed rule with IDEM's suggested changes
3 incorporated concerning AIM coatings.

4 CHAIRMAN ANDERSON: Thank you.

5 Are there any questions?

6 MR. QUYLE: Just one quick question.

7 CHAIRMAN ANDERSON: Sure, uh-huh.

8 MR. QUYLE: Amy, I know contractors
9 have also raised the issue of trying to have a
10 little extra time in the fall season for
11 application. Could you address that, please.

12 MS. SMITH: Yeah.

13 MR. QUYLE: I did read what we had in
14 the comments, and I --

15 MS. SMITH: Okay. ICA did request, I
16 think it was, a four-week window towards the end
17 of the late fall to apply traffic marking
18 materials that have a higher VOC content limit
19 than would currently be allowed under the new
20 rule, and our response, or the agency's response,
21 was that when the OTC model rule -- I should go
22 back.

23 Under the federal rule, there is a

1 subsection for zone marking coatings that has a
2 higher VOC content limit, but the OTC model rule
3 subsumed that definition of zone marking coatings
4 and included that all into traffic marking
5 coatings, so they all fell under the lower VOC
6 content limit. So, we went with the OTC model
7 rule language and applied an across-the-board
8 limit instead of having that exception for the
9 zone marking coatings.

10 MR. QUYLE: As I said at the previous
11 meeting, having been a county commissioner for a
12 couple of terms, I know sometimes they just can't
13 get the asphalt down until late because the
14 bigger jobs take away contractors that smaller
15 communities need to use, and so we consequently
16 can't get the stripping down until later.

17 Is it possible to still get that language
18 put in there? I guess that's a Board decision to
19 make at this point, and it wouldn't cause us to
20 run afoul of the Feds or anything if we were to
21 do it with a slightly longer period?

22 MS. SMITH: Well, currently Indiana
23 operates under the federal rule, so yes, you

1 know, in Indiana you can apply the zone markings
2 as long as they comply with the federal rule.
3 So, yeah, I mean we could put that in our rule,
4 but, again, it would be inconsistent with the OTC
5 model rule, and our -- the Department's primary
6 goal was to maintain that consistency.

7 MR. QUYLE: I appreciate it.

8 CHAIRMAN ANDERSON: Are there any
9 other questions?

10 (No response.)

11 CHAIRMAN ANDERSON: Thank you.

12 MR. BENSHOOF: Well, what happens --
13 I guess the question is: What happens if you
14 don't maintain consistency? We do a lot of
15 things that aren't consistent. I mean there's a
16 real --

17 MR. QUYLE: That's --

18 MR. BENSHOOF: -- there's potentially
19 a real need here that is being brought forward by
20 somebody who has lived through this on the
21 ability of getting traffic markings down, and I
22 brought up the fact last time that -- I mean I
23 know how difficult it is, especially with, you

1 know, construction zones and other things when
2 you're putting markings down, how critically
3 important these things are.

4 And, you know, what type of -- you know,
5 when you're talking net value to what you're
6 trying to accomplish here, it's more important to
7 have good markings put on the road than it is,
8 you know, to have a few more VOC's go up in the
9 air, when it comes down to the severity of
10 safety. I mean that's what you've got to go back
11 and look at, public safety. What's going on
12 here? If you can't put markings down --

13 MR. DELONEY: If I could just add one
14 thing to Amy's comments, another consideration
15 that was given is, is that as we get moving
16 between summer and fall, towards the end of
17 construction season, both the low VOC and the
18 high VOC markings are available for use, so it's
19 not a matter of the materials not being available
20 in order to get the striping down.

21 The one situation that we have is, is that
22 our ozone season is getting longer, and last year
23 the Federal Government had proposed to extend

1 Indiana's ozone season by starting it a month
2 earlier and extending it a month later, and in
3 conjunction with what EPA has proposed for yet a
4 new -- another ozone standard, which would be
5 revising the 2008 version, if that standard is
6 reduced to 60 or 65 parts per billion, we expect
7 our ozone season to go through the month of
8 November.

9 So, when we are looking at VOC reductions
10 in conjunction with ozone control plans, we are
11 looking at a different time of the year as
12 opposed to the traditional May through September.

13 MR. BENSHOOF: What's the
14 feasibility? I mean when you're talking about
15 November having ozone season, I mean temperatures
16 are different, the sun's different. I mean, you
17 know, the whole -- I mean I guess we're dealing
18 on a very unknown if we would even run into any
19 kind of compliance issues with that, but, you
20 know, you're getting pretty late in the year
21 for --

22 MR. DELONEY: Uh-huh. But the
23 coatings themselves would function the same

1 whether applied in October or November as --
2 whether they were applied in July or August.
3 Availability of the coatings at that time of the
4 year for application isn't the concern, I mean as
5 far as, you know, being able to apply for safety
6 purposes, that wouldn't be the concern.

7 It would just be the cost difference
8 between which product needs to be used during
9 that time of the year. In most cases, if you
10 intend to apply the coatings during the month of
11 September, you would have already purchased the
12 lower VOC content for that application, even if
13 you end up applying that application towards the
14 end of the construction season as opposed to
15 before the end.

16 CHAIRMAN ANDERSON: Are there other
17 questions for the Department?

18 (No response.)

19 CHAIRMAN ANDERSON: I do have a
20 card -- if there are no further questions, I do
21 have a card from Mr. Paul Berebitsky.

22 MR. BEREBITSKY: Berebitsky.

23 CHAIRMAN ANDERSON: Berebitsky?

1 Thank you.

2 MR. BEREBITSKY: I have copies of my
3 statement I'll be reading here.

4 CHAIRMAN ANDERSON: And if you could
5 state your name and position for the record.

6 MR. BEREBITSKY: I'm Paul Berebitsky,
7 and I'm the authorized spokesperson for the
8 Indiana Construction Association, which is a
9 statewide trade association of building, highway,
10 heavy and utility contractors.

11 And we appreciate the changes that were
12 made to the proposed rule in response to comments
13 that ICA offered at the earlier public hearing on
14 June 2nd in Columbus. ICA also recognizes the
15 importance of attaining the ozone air quality
16 standards.

17 However, ICA still has two concerns with
18 the proposal as it impacts traffic marking
19 materials. Even though other states already have
20 150-grams-per-liter limit for the nonozone
21 period, which runs October 1 through April 30th,
22 we still see the potential for difficulties in
23 getting markings applied late in the year, when

1 contractors are scrambling to complete projects
2 before winter.

3 If these concern about potential problems
4 become reality after this rule is -- becomes
5 effective, we hope the Board and the Department
6 will be open to considering alternatives at that
7 time.

8 The other concern pertains to the
9 record-keeping requirements in Section 7 for
10 companies that apply traffic markings. While the
11 construction industry very much appreciates the
12 changes to the section that clarified that the
13 sell-through provision is applicable for traffic
14 marking materials and limits the record-retention
15 period to three years, we still question why
16 companies that apply marking materials must
17 maintain records showing the VOC content of the
18 products that they use.

19 All other record-keeping requirements in
20 the rule, which are covered by Section 5, are
21 applicable only to the product manufacturers.
22 Traffic marking companies are the only users
23 singled out with the requirement to keep records.

1 These are small businesses for the most part.
2 Some are literally mom-and-pop operations.

3 Since they likely don't have chemists
4 working for them, they will have to rely on the
5 manufacturers to provide information on the VOC
6 content for emission rates. This will duplicate
7 the information the rule will also require the
8 manufacturers to maintain. ICA fails to see how
9 record-keeping requirements for companies that
10 apply traffic markings will contribute to a
11 reduction in VOC emissions.

12 While the fiscal impact statement prepared
13 for the proposal states that administrative costs
14 for product manufacturers will be minimal, we
15 think this will be a significant burden for those
16 companies that apply traffic markings. The
17 fiscal impact statement does not appear to
18 acknowledge this impact.

19 Additional costs incurred as a result of
20 these new record-keeping requirements will
21 ultimately need to be passed on to customers, who
22 are primarily state and local government
23 agencies. The fiscal impact statement also

1 overlooks the cost impact for government
2 agencies.

3 Before the Board acts on this proposal,
4 ICA asks you that you remove any record-keeping
5 requirements for companies that only apply
6 traffic marking materials, or limit the required
7 records for them to a list of the manufacturers
8 from whom they purchase the product.

9 Thank you for considering our comments.

10 CHAIRMAN ANDERSON: Thank you.

11 Are there any questions from the Board?

12 MR. QUYLE: Paul, I guess to go back
13 to the conversation we had before you began
14 regarding the extension of the season, what's --
15 what's your feeling, given the fact that the
16 level during the ozone season has been raised
17 from the 91 parts to the 105 parts, do you still
18 see the need for re -- for --

19 MR. BEREBITSKY: The concern is in
20 the nonozone period, when you get into November,
21 even the first part of December. Yeah, I'm told
22 that they currently, in some situations, will use
23 products that have VOC's well over the 150 limit

1 for the nonozone period.

2 You know, part of the Department's
3 rationale was that Illinois and Ohio have the 150
4 limit and apparently don't have a problem. I
5 don't know whether that's the case or not. Kind
6 of willing to take a wait-and-see attitude, and
7 if we do encounter problems, hope that you would
8 be willing to reopen it at that point.

9 MR. QUYLE: Okay.

10 CHAIRMAN ANDERSON: Are there other
11 questions?

12 MR. BENSHOOF: I guess the -- I guess
13 the question can go back to IDEM. I mean he
14 states something in here, and I'd like you to
15 respond to my addenda. He fails to see how
16 record keeping requirements for companies that
17 apply traffic markings will contribute to the
18 reduction of VOC emissions. How is that -- how
19 is record-keeping requirements going to do that?
20 What are you trying to do with the record-keeping
21 requirements, just keeping --

22 MR. DELONEY: The record --

23 MR. BENSHOOF: Is it for enforcement

1 later?

2 MR. DELONEY: Yeah, it's for -- to
3 help ensure compliance.

4 MR. BENSHOOF: At a later point in
5 time?

6 MR. DELONEY: Correct.

7 MR. BENSHOOF: So --

8 COMM. EASTERLY: The alternative
9 would be to prohibit the sale in the state, of
10 any sale or use, and since you can use different
11 things at different times, that would be
12 difficult.

13 MR. BENSHOOF: That would be
14 difficult.

15 MR. QUYLE: Well, they had offered
16 the alternative of having a list of manufacturers
17 from whom they purchase products.

18 COMM. EASTERLY: But they have
19 different chemistries for different times.

20 MR. BEREBITSKY: I don't understand
21 what you mean by "different chemistries for
22 different times." Different products, perhaps,
23 at different times.

1 COMM. EASTERLY: Yes. So, we'd need
2 really a list of every single product that you
3 buy and how many gallons, and if you have that,
4 you really have this information.

5 MR. BEREBITSKY: If the rule does
6 require the manufacturers to maintain records, if
7 you know who they're purchasing the products
8 from, you can go to the manufacturers and ask to
9 see their records.

10 MR. QUYLE: Would the manufacturers
11 have records of who they sold goods to?

12 MR. KISSEL: And how long would they
13 have to retain those?

14 MR. QUYLE: Are the manufacturers
15 obligated to keep those records of sales at this
16 time; do you know?

17 MR. DELONEY: Not -- not under our
18 rule. The manufacturers --

19 MR. BEREBITSKY: I don't think.

20 MR. DELONEY: -- under the ruling,
21 they aren't -- the record-keeping requirements
22 only apply to the users, those that apply, not
23 the manufacturer.

1 MS. SMITH: Yeah, I believe it
2 applies to the manufacturer. They have -- I'm
3 double-checking; I'm sorry.

4 MR. BENSHOOF: And I guess the other
5 question I have, and again, you can verify this
6 or not. Traffic marking companies are the only
7 users singled out with the requirement to keep
8 records?

9 MS. SMITH: That was to be consistent
10 with the Wisconsin rule per the LADCO
11 recommendation. Again, we went with LADCO's
12 recommendation to include the Wisconsin rule into
13 our rule, and that is a requirement of LADCO.
14 And again, I think it comes down to the differing
15 ozone season. You need to keep your MSDS from
16 what you purchased because of the different
17 chemistries from ozone season to nonozone season.

18 MR. BENSHOOF: So, that -- basically
19 the record requirement is just to keep the MSDS
20 of what you've purchased?

21 MS. SMITH: Well, I think --

22 MR. DELONEY: The -- based on the
23 fact that it applies to the user, the seller and

1 the manufacturer, which Chris has confirmed, the
2 basis of the record keeping is, is that in order
3 to be able to take emission reduction credit
4 within the state implementation plan and
5 incorporate those, those reductions, into, you
6 know, attainment demonstrations and so forth, EPA
7 uses a sliding scale for which -- a percentage of
8 reductions that you can take credit for.

9 Record keeping is one of the key
10 components with regard to how that sliding scale
11 moves. So, when you have the record-keeping
12 requirements that apply to the manufacturer, the
13 distributor, as well as the user, you're able to
14 take a hundred percent of the emission reductions
15 associated with that particular control measure.
16 Once you start reducing the record-keeping
17 requirements, the percent reduction credit that
18 you can take, the assumed effectiveness of the
19 rule slides downward.

20 MR. BENSHOOF: You know, I guess my
21 thought is that if record-keeping requirements is
22 maintaining an MSDS sheet for three years.

23 COMM. EASTERLY: And how many

1 gallons.

2 MR. BENSHOOF: And how many gallons
3 you're using, I guess that's not -- that's not
4 huge. I mean you've got to have an MSDS sheet
5 anyway for employee safety, I mean the person
6 applying the coating's going to have to have
7 that, so if it's a matter of just keeping
8 inventory records, I guess that's not too
9 burdensome.

10 MR. BEREBITSKY: The rule does
11 require monthly quantities of each type of
12 marking material applied, so you not only have
13 to -- you know, you may purchase it one month and
14 use it three months later, so this requires you
15 to show when you've used the material, which
16 would be -- there's a variety of different
17 materials a company might use, some of which have
18 zero VOC's, but they're still traffic marking
19 material.

20 CHAIRMAN ANDERSON: Are there other
21 questions either for the speaker or the
22 department?

23 (No response.)

1 MR. BEREBITSKY: Thank you.

2 CHAIRMAN ANDERSON: Thank you.

3 That's the only card that I have. Is
4 there anyone else who wishes to speak on the
5 rule?

6 (No response.)

7 CHAIRMAN ANDERSON: Seeing none, this
8 hearing is now concluded. We are ready for Board
9 action on final adoption of a new rule,
10 326 IAC 8-14, Architectural and Industrial
11 Maintenance, AIM, Coatings, LSA No. 06-604. If
12 there are any other questions, ask your question.
13 If not, I will entertain a motion to adopt the
14 IDEM's suggested changes to the preliminarily
15 adopted rule.

16 MR. BENSHOOF: So moved.

17 CHAIRMAN ANDERSON: I'm sorry, David?

18 MR. BENSHOOF: So moved.

19 CHAIRMAN ANDERSON: Okay. David --
20 Mr. David Benshoof moves. Is there a second?

21 MR. QUYLE: Second.

22 CHAIRMAN ANDERSON: Mr. Jeffery Quyle
23 has seconded. This is a voice vote on the

1 amendments.

2 All in favor, say aye.

3 MR. HORN: Aye.

4 MR. BACONE: Aye.

5 DR. STEVENS: Aye.

6 MR. SEITZ: Aye.

7 MS. FISHER: Aye.

8 MR. CUNDIFF: Aye.

9 MR. KISSEL: Aye.

10 MR. QUYLE: Aye.

11 MR. BENSHOOF: Aye.

12 MR. STALEY: Aye.

13 CHAIRMAN ANDERSON: Aye.

14 Opposed?

15 (No response.)

16 CHAIRMAN ANDERSON: If none, the
17 motion carries. Now I will entertain a motion to
18 final adopt the proposed rule as preliminarily
19 adopted with IDEM's suggested changes
20 incorporated. I will entertain -- is there a
21 motion to final adopt with the amendments?

22 DR. STEVENS: So moved.

23 CHAIRMAN ANDERSON: Dr. Phil Stevens

1 has moved. Is there a second?

2 MR. STALEY: Second.

3 CHAIRMAN ANDERSON: Mr. Randy Staley
4 has seconded. I'll now poll the Board.

5 Mr. David Benshoof?

6 MR. BENSHOOF: Yes.

7 CHAIRMAN ANDERSON: Mr. Benshoof
8 votes yes.

9 Mr. Howard Cundiff?

10 MR. CUNDIFF: Yes.

11 CHAIRMAN ANDERSON: Mr. Cundiff votes
12 yes.

13 Ms. Pamela Fisher?

14 MS. FISHER: Yes.

15 CHAIRMAN ANDERSON: Ms. Fisher votes
16 yes.

17 Mr. Chris Horn?

18 MR. HORN: Yes.

19 CHAIRMAN ANDERSON: Mr. Horn votes
20 yes.

21 Mr. Gregory Kissel?

22 MR. KISSEL: Yes.

23 CHAIRMAN ANDERSON: Mr. Kissel votes

1 yes.

2 Mr. Brandon Seitz?

3 MR. SEITZ: Yes.

4 CHAIRMAN ANDERSON: Mr. Seitz votes

5 yes.

6 Mr. Randy Staley?

7 MR. STALEY: Yes.

8 CHAIRMAN ANDERSON: Mr. Staley votes

9 yes.

10 Mr. Jeffery Quyle?

11 MR. QUYLE: Yes.

12 CHAIRMAN ANDERSON: Mr. Quyle votes

13 yes.

14 Dr. Phil Stevens?

15 DR. STEVENS: Yes.

16 CHAIRMAN ANDERSON: Dr. Stevens votes

17 yes.

18 Mr. John Bacone?

19 MR. BACONE: Yes.

20 CHAIRMAN ANDERSON: Mr. Bacone votes

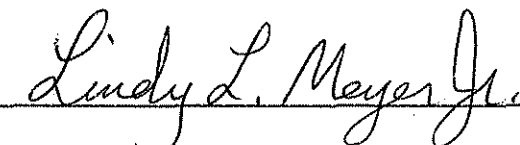
21 yes, and I vote yes. The final -- the vote is

22 unanimous to final adopt the rule.

23 We'll now move to the next item. This is

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, September 1, 2010 in this matter
8 and transcribed by me.

9
10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and
13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
16
17
18
19
20
21
22
23

G

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #06-604

DIGEST

Adds [326 IAC 8-14](#) concerning volatile organic compound emissions and limitations applicable to architectural and industrial maintenance coatings. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: January 10, 2007, Indiana Register (DIN: [20070110-IR-326060604FNA](#)).

Second Notice of Comment Period: October 15, 2008, Indiana Register (DIN: [20081015-IR-326060604SNA](#)).

Notice of First Hearing: October 15, 2008, Indiana Register (DIN: [20081015-IR-326060604PHA](#)).

Change in Notice of Public Hearing: December 3, 2008, Indiana Register (DIN: [20081203-IR-326060604CHA](#)).

Change in Notice of Public Hearing: February 25, 2009, Indiana Register (DIN: [20090225-IR-326060604CHA](#)).

Change in Notice of Public Hearing: February 3, 2010, Indiana Register (DIN: [20100203-IR-326060604CHA](#)).

Change in Notice of Public Hearing: April 28, 2010, Indiana Register (DIN: [20100428-IR-326060604CHA](#)).

Date of First Hearing: June 2, 2010.

Fiscal Impact Statement: July 21, 2010, Indiana Register (DIN: [20100721-IR-326060604FIA](#)).

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#) until the board has conducted a third comment period that is at least 21 days long.

Because this proposed rule is not substantively different from the draft rule published on October 15, 2008, at [20081015-IR-326060604SNA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from October 15, 2008, through November 14, 2008, on IDEM's draft rule language. IDEM received comments from the following parties:

Eli Lilly and Company (ELC)

Improving Kids Environment (IKE)

Indiana Manufacturers Association, Inc. (IMA)

National Paint and Coatings Association (NPCA)

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

Comment: Improving Kids Environment supports the agency moving forward with this rulemaking for the following reasons:

1. These coatings can be a significant source of volatile organic compounds (VOCs), one of the key contributors to ground level ozone. Although ozone levels have been improving throughout Indiana, high ozone still presents a public health threat to our citizens throughout the state. Data presented by IDEM at the October 2008 Indiana Air Pollution Control Board meeting indicate that 12 counties measured ozone air quality in excess of the recently revised ozone health standard of 0.075 part per million (based on 2006-08 monitoring data). With the recent overturning of the Clean Air Interstate Rule and resulting uncertainty about continued power plant reductions of nitrogen oxides and sulfur dioxide, it is prudent to continue to implement reasonable measures to reduce harmful air pollutants where it makes sense to do so.

2. We are increasingly aware of the regional nature of ozone pollution. Concentrating control programs in the urban areas is no longer sufficient to address unhealthy ozone levels. Implementing cleaner AIM coatings across a broad geographic region will be most effective in improving air quality. Participating constructively with the regional consortium (LADCO) is neighborly and good public policy.

3. The market for AIM coatings is regional and national. Having different requirements in different states or different regions within states is disruptive, confusing, and does not lead to the most economically efficient result.

4. If and when U.S. EPA promulgates a rule addressing this category, IDEM and the other Midwest states can evaluate whether any adjustments need to be made. Indiana should not continue to wait for a federal rule that has been promised but not delivered. (IKE)

Response: IDEM is cognizant of the importance in addressing the ozone issue from a regional perspective. This rulemaking, in conjunction with the rulemakings conducted by the other LADCO states, will assist in

controlling VOCs in order to ensure compliance with U.S. EPA's newly issued 8-hour ozone standard and the proposed revised standard currently under consideration.

Ensuring that AIM coating requirements are consistent with other LADCO states and the eleven OTC states that have effective AIM rules, has been an important consideration for the department when drafting the rule language. IDEM understands the importance of consistency for a rulemaking that affects AIM coatings producers nationwide.

When U.S. EPA amends the existing federal AIM coatings rule (40 CFR Part 59, Subpart D), IDEM will amend the state AIM rule, if necessary. However, to date, U.S. EPA has not published their proposed revisions to the federal AIM rule. Therefore, IDEM is moving forward with this rulemaking.

Comment: The NPCA supports the proposed implementation date of January 1, 2010. (NPCA)

Response: IDEM had to complete a fiscal impact analysis for this rulemaking as required under Indiana Code, Section 4-22-2-28(c) and (e), which added additional time to the rulemaking schedule, and made IDEM's original proposed implementation date of January 1, 2010 impractical. Therefore, IDEM has amended the implementation date to January 1, 2011.

Comment: Lilly generally supports the concept of limiting VOC content in architectural and industrial maintenance (AIM) coatings as a step towards achieving the National Ambient Air Quality Standards for Ozone. By focusing the requirements of the rule on the production of the coating material itself, the rule can achieve environmental benefit at a reasonable cost.

Lilly believes, however, that the rule should apply only to the manufacture and sale of AIM coatings in Indiana, and users of AIM coatings should be outside the scope of the rule. IDEM's proposed rule extends liability and compliance management requirements to "any person who applies or solicits the application of any AIM coating within the state of Indiana." This means that any company that applies AIM coatings to its facilities, or hires someone to apply AIM coatings to its facilities is in violation of the proposed rule if a manufacturer or seller of an AIM coating provides a coating that does not meet the VOC content requirements of the proposed rule, or if a painting contractor uses noncompliant coatings. Extending liability to the party that has the least ability to control the VOC content of coatings is excessive, and merely serves a punitive purpose, not an air quality purpose.

Moreover, if proposed rule [326 IAC 8-14](#) were applicable to facility owners that are subject to the Title V operating permit program, the rule would be an "applicable requirement", and consequently must be contained in the facility's Title V permit. The responsible official for the facility (typically a plant manager) would then be required each year to certify the facility's compliance status with regard to the rule. In order to certify compliance status, the facility would have to develop a compliance management system that ensures it knows whether each and every AIM coating applied at the facility meets the requirements of Rule 8-14. For a large industrial or commercial facility, where AIM coatings are applied perhaps on a daily basis, developing a system to monitor and verify that each coating meets the requirements of Rule 8-14 would be quite extensive, and yet provide little environmental benefit because the true environmental benefit for the proposed rule occurs when the low VOC coating is manufactured.

Lilly recommends changing the draft rule language to remove references that would extend the applicability of the rule to "any person who applies or solicits the application of any AIM coating within the state of Indiana." (ELC)

Comment: The interest of the IMA in the proposed rule is primarily one of applicability. The greatest benefit for VOC reduction will occur in the reformulation of the product itself. The application of the product from current inventories will yield a finite amount of reduction and compared to the administrative burden there is a diminished return.

Manufacturing facilities are constantly engaged in maintenance projects which employ the use of various coatings. Many of these facilities are also subject to regulation under Title V. The proposed rule would ultimately be part of the facility's annual certification of compliance; and as a result, the facility would need to implement costly internal verification procedures to assure appropriate coatings were used. These procedures, however, would yield very little environmental benefit because the real environmental benefit of the proposed rule occurs at the point of coating production, not at the point of application.

Please consider modification of the draft rule to focus less on the end use of AIM coatings so as to avoid unnecessary burden to facility compliance efforts with limited environmental benefit. (IMA)

Response: IDEM reviewed the status of AIM coatings rules in the thirteen OTC member states. Eleven of the thirteen OTC states have effective AIM coatings rules and all eleven states extend applicability of the rule to persons that apply or solicit the application of any AIM coating. Additionally, Illinois and Ohio have effective AIM coatings rules that extend the applicability to persons who apply or solicit the application of AIM coatings.

IDEM understands ELC's concern about the extension of liability in the case where a painting contractor may apply a noncompliant coating. However, emissions of VOCs occur not just during the production of the coatings but also at the point of application. IDEM has made a commitment to institute an AIM coatings rule as part of Indiana's State Implementation Plan (SIP) development. The department has included the expected reductions of VOCs resulting from both manufacturing and end users as part of the SIP development process. Limiting the scope of applicability to exclude end users will result in the department failing to honor existing commitments

regarding regional ozone SIP planning and development.

Regarding concerns about extension of liability, companies that apply AIM coatings or hire contractors to apply coatings may ensure compliance by requiring that contracts for the application of coatings or coating purchases require the use of compliant coatings. Generally, manufacturers of coatings have this information readily available. The rule does not require that facilities monitor more closely their usage and type of coatings, but, IDEM does not believe that such a requirement is overly burdensome as to require a change the scope of applicability of the rule that has been consistently utilized in the majority of states with AIM coating rules.

ELC and IMA are concerned that large industrial facilities, where AIM coatings are applied frequently, would be burdened by having to develop a system in order to monitor and verify that each coating meets the requirements of the rule. IDEM respectfully disagrees. Compliant coatings for the coating categories in this rule have been readily available for several years. Eleven of the thirteen OTC states, Ohio, and Illinois have nearly identical AIM coating rules in place, many which have been in effect since 2005. In all of these states, there are facilities that have Title V permits that are also subject to their state's AIM coatings rule. Additionally, the draft rule has sell through provisions that apply to all AIM coatings ([326 IAC 8-14-3\(d\)](#)). The sell through provisions allow: 1) coatings manufactured prior to January 1, 2011, to be sold, supplied or offered for sale until January 1, 2014; and 2) coatings manufactured before January 1, 2011, to be applied at any time both before and after January 1, 2011, so long as the coating complied with the standards in effect at the time the coating was manufactured. IDEM understands that sources may have coatings subject to this rule in their inventory or they may purchase noncompliant coatings after the effective date of the rule. The sell through provisions allow a phasing in of compliant coatings into the company's operations.

Comment: The draft rule has special provisions for traffic markings. IKE supports these requirements, but suggests that the limits be applied year round rather than just during the ozone season. Seasonal limitations add a layer of complication for implementation and compliance determinations. Without a compelling reason to adopt a seasonal limit, IKE urges uniformity and simplicity. (IKE)

Comment: For consistency with other OTC and LADCO AIM rules, NPCA suggests that IDEM drop the lower "ozone season" VOC limit from the rulemaking for traffic marking coatings and include only one VOC content limit of 150 g/l. (NPCA)

Response: The draft rule provides two VOC content limits for traffic marking coatings. One for the ozone season that runs from May 1 through September 30 (91 g/l) and one for the nonozone season that runs from October 1 through April 31 (150 g/l). The VOC content limit recommended by NPCA of 150 g/l is the VOC content limit for traffic marking coatings in the existing federal AIM coatings rule (40 CFR Part 59, Subpart D). Manufacturers of traffic marking coatings are already subject to this VOC content limit.

Including more stringent VOC limits for traffic marking coatings in the rule was part of LADCO's recommendations to its member states as part of the regional effort to control ozone. The draft rule language is from Wisconsin's rule limiting the VOC content of traffic marking coatings (NR 422.17). The more stringent VOC content limit for traffic markings is approximately 39% lower than the limit imposed by the federal rule and the OTC model rule.

Sources subject to the traffic marking coating VOC content limit and [326 IAC 8-14-7](#) (application of traffic marking materials) of the draft rule, may comply with the lower VOC content limit year round if it would be more effective or efficient for them to do so. The rule does not compel a source to comply with the lower limit only during the ozone season.

Comment: Lilly recommends the following changes to the proposed rule shown by underlining:

[326 IAC 8-14-2](#) Definitions

(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping publicly-owned streets, publicly-owned highways, or other publicly-owned traffic surfaces, including, but not limited to, the following:

- (A) Curbs.
- (B) Berms.
- (C) Driveways.
- (D) Parking lots.
- (E) Sidewalks.
- (F) Airport runways. (ELC)

Response: The definition that IDEM used for traffic marking coatings in the draft rule is the definition for traffic marking coatings that is used in the existing federal AIM coatings rule (40 CFR Part 59, Subpart D) and the OTC model rule. IDEM will maintain consistency with the existing federal AIM coatings rule and the OTC model rule.

Comment: NPCA recommends adding "Reactive Penetrating Carbonate Stone Sealer" to the definitions and VOC table. Carbonate stone, and in particular Indiana limestone is widely utilized as an exterior structural and facade component in commercial and institutional construction. Limestone, marble and other carbonate substrates are generally durable and sustainable; however, they are subjected to accelerated weathering and decay due to biological growth, water intrusion and freeze/thaw cycles, and are particularly sensitive to acid rain. The northeastern United States has an estimated inventory of 50,000 buildings, 10,000 memorials and tens of

millions of grave markers constructed of carbonate stone subject to acid rain degradation that needs protection.

Penetrating reactive carbonate stone sealers are typically specified by building maintenance specialists and conservators. These sealers function by penetrating the surface and reacting at a molecular level and do not form a surface film and therefore allow outward migration of internal moisture while preventing water intrusion. Since carbonate stone does not contain necessary silicates for reaction so a "bridging" silicate source is required, however these products are incompatible with aqueous carriers so a higher VOC content is needed. Please add the provided definition of "Reactive Penetrating Carbonate Stone Sealer" to the definitions and VOC table (600 g/L). (NPCA)

Response: IDEM reviewed the AIM coating rules of the OTC states and Ohio. This coating category for reactive penetrating carbonate stone sealer is not included in any of the rules that IDEM reviewed. Throughout this rulemaking, IDEM has strived to ensure consistency with the OTC model rule and neighboring states' AIM coating rules. Imposing new VOC content restrictions on a coating category that is not covered in a majority of AIM coatings rules adds complexity for regional and national manufacturers. In order to maintain consistency with other states' AIM coating rules IDEM has not included the coating category for reactive penetrating carbonate stone sealer. If, and when, the federal rule is revised, and if it includes this coating category, IDEM will consider amending Indiana's AIM rule.

Comment: The category definition for waterproofing concrete/masonry sealers in the current OTC model rule was adopted from regulatory language that has been corrected in the South Coast Air Quality Management District and is in the process of being corrected in the California Air Resource Board's (CARB) revised Suggested Control Measure (SCM). As written, the definition applies to film forming coatings; however, it is broadly recognized that this class of materials also includes penetrating, clear water, and stain repellents that do not form films in the traditional sense. Additionally, CARB has recognized that the list of properties in the proposed definition is not necessarily all inclusive for every type of coating in this diverse category. Instead, NPCA recommends that the words "film forming" be deleted from the definition of waterproofing concrete/masonry sealers. (NPCA)

Response: IDEM removed the words "film forming" from the definition of waterproofing concrete or masonry sealer at [326 IAC 8-14-2\(75\)](#).

Comment: NPCA recommends that the record keeping and reporting requirements for perchloroethylene and methylene chloride, recycled coatings, and bituminous roof coatings be changed. It is important to note that these "automatic reporting" requirements originated from the California Air Resources Board (CARB) 2000 AIM SCM and were subsequently included in the OTC model rule. However, in October 2007, CARB deleted these reporting requirements from the 2007 AIM SCM since it felt that this information was no longer needed. NPCA suggests that to be consistent with CARB that IDEM delete these requirements as well. If over the objection of NPCA, IDEM does not delete these requirements, NPCA requests that IDEM include a 90 day period of time for manufacturers to report this information. (NPCA)

Response: IDEM amended the record keeping and reporting requirements for the following: AIM coatings that contain perchloroethylene or methylene chloride ([326 IAC 8-14-5\(d\)](#)); recycled coatings ([326 IAC 8-14-5\(e\)](#)); and bituminous roof coatings or bituminous roof primers ([326 IAC 8-14-5\(f\)](#)). The automatic reporting requirements were removed. However, the department generally gives a source thirty (30) days to submit a report, not ninety (90) and has amended the rule language accordingly to represent the department's general practice.

Comment: There is an overlap issue with the definitions for flat and nonflat coatings. A coating with a 60 degree gloss of 6 and an 85 degree gloss of 10 could be considered either, based on the proposed definitions. NPCA recommends the following:

"Flat Architectural coating" means a coating that does not meet the definition in this regulation for another coating and which registers a gloss of less than 15 on an 85-degree gloss meter held at an 85° angle to the coated surface or less than 5 on a 60-degree gloss meter held at a 60° angle, and which is described on the label as a flat coating, according to ASTM Designation D 523-89 (1999), incorporated by reference in paragraph 33.6.5(c) of this regulation. "Non-flat Architectural coating" means a coating that does not meet the definition in this regulation of another coating and which registers gloss of 15 or greater on an 85-degree gloss meter held at an 85° angle to the coated surface and 5 or greater on a gloss meter when held at a 60° angle, according to ASTM Designation D 523-89 (1999), incorporated by reference in paragraph 33.6.5(c) of this regulation. (NPCA)

Response: The language included in the comment from NPCA does not match the definitions of flat coating at [326 IAC 8-14-2\(26\)](#) and nonflat coating at [326 IAC 8-14-2\(41\)](#) in the published draft rule language. However, IDEM amended the two definitions to clarify and remove the overlap issue in response to NPCA's comment. This amendment is also consistent with the Illinois' and Ohio's definitions of flat and nonflat coatings.

Comment: The reporting requirements under Section 5(a) are very extensive and while NPCA appreciates that IDEM included a 90 day period of time for manufacturers to reply, for the amount of information requested, additional time will be needed. To help alleviate this problem, NPCA recommends that IDEM grant manufacturers extensions if these extensions are requested in writing. NPCA recommends revising the language in Section 5(a)

as follows:

Such records shall be kept for a period of not less than five (5) years and shall be made available to the Department for inspection within 90 days of request, unless an extension of time is granted by the State (as per written manufacturer request for extension). (NPCA)

Response: IDEM reviewed the AIM coating rules of the OTC states and Ohio. Based on IDEM's review of those rules, the standard period of time given to manufacturers to reply to a request from the department is 90 days with no language providing for an extension. The reporting requirements in section 5(a) are similar, if not identical, to those required by the OTC states and Ohio. To maintain consistency with other states' AIM coating rules, Indiana will not grant extensions to the 90 day reporting requirement.

Comment: For consistency with the Illinois and other OTC state rules, NPCA suggests that Section 3(g) regarding rust preventive coatings be replaced with the following:

"No person shall apply or solicit the application of any rust preventive coating for industrial use unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in subsection (b). If the coating is also regulated under another Part, the more restrictive limit shall apply." (NPCA)

Response: IDEM reviewed the language in [326 IAC 8-14-3\(g\)](#) regarding rust preventative coatings. In the draft rule language that published in the Second Notice of Comment Period, IDEM included additional requirements for rust preventative coatings based on Ohio's AIM rule. However, after reviewing the OTC model rule and other OTC states' rules, IDEM amended the language to match the OTC model rule language.

Comment: NPCA recommends clarifying that section 4(4) applies to Industrial Maintenance Coatings and revise as follows:

Industrial Maintenance Labels - The label or the lid of the container in which the coating. . . (NPCA)

Response: IDEM amended the language in section 4(4) to clarify that the section applies to industrial maintenance coatings.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On June 2, 2010, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of a new rule at [326 IAC 8-14](#). Comments were made by the following parties:

Eli Lilly and Company (ELC)

Indiana Construction Association (ICA)

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

Comment: The Indiana Construction Association (ICA) is a statewide trade association of building, heavy, highway and utility contractors. While our comments focus on traffic marking paint and epoxy penetrating sealer, ICA continues to research the potential impact of this proposal on other coatings used in the construction industry. ICA is particularly interested in the availability and quality of products that comply with the proposed VOC limits and costs. ICA may have information relative to other products when the proposal reaches the next step of the rulemaking process. ICA recommends that the ozone season limit be increased from 91 grams/liter to 105 grams/liter. This would allow a broader range of products to be used, with the resulting added competition helping to control costs. Even at 105 grams/liter, the limit would be well below the allowable threshold for most other products. (ICA)

Response: The proposed rule has two separate VOC content limits for traffic marking coatings. Traffic marking coatings applied during the ozone season (May 1 to September 30) have a limit of 91 grams/liter and coatings applied during the nonozone season (October 1 to April 30) have a limit of 150 grams/liter.

In the State of Indiana, the Indiana Department of Transportation (INDOT) is one of the largest users of traffic marking coatings. Using estimates from INDOT regarding the amount of paint that the agency and their contractor's will order this year (2010) for traffic marking applications, IDEM calculated the increase in VOC emissions if the ozone season VOC content limit was increased from 91 grams/liter to 105 grams/liter. IDEM determined that the increase in area source emissions would be negligible. Per ICA's request, IDEM will increase the ozone season (May 1 to September 30) VOC content limit for traffic marking materials to 105 grams/liter in the rule proposed for final adoption.

Comment: While products satisfying the 150 grams/liter content limit would be suitable for some of the fall and spring season, where temperature and humidity levels can greatly impact product performance, ICA believes products that are currently allowed under the U.S. EPA regulation should be allowed during a limited three to four week window during the late fall. The placement of traffic markings-whether permanent or temporary-is one of the final operations during the highway construction season. If other work is postponed for any number of valid reasons, the placement of traffic markings may need to occur during less than suitable climatic conditions. Yet it is imperative that secure markings be placed for the safety of motorists. (ICA)

Response: The federal architectural and industrial maintenance (AIM) coatings rule at 40 CFR Part 59, Subpart D, Ozone Transport Commission (OTC) model rule, and Indiana's proposed rule all use the same definition for traffic marking coatings. A "traffic marking coating" is defined as a "coating formulated and recommended for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways." The federal rule and OTC model rule both

have a VOC content limit of 150 grams/liter for traffic marking coatings, which is the same as Indiana's proposed VOC content limit for traffic markings during the non-ozone season (October 1 through April 30).

However, the federal rule contains a separate definition and VOC content limit for zone marking coatings. Under the federal rule, a "zone marking coating" is defined as a "coating formulated and recommended for marking and striping driveways, parking lots, sidewalks, curbs, or airport runways, and sold or distributed in a container with a volume of 19 liters (5 gallons) or less. The VOC content limit for a zone marking coating under the federal rule is 450 grams/liter. Because of the overlap of definitions of zone marking coating and traffic marking coating in the federal rule, an exception paragraph is provided at 40 CFR Part 59.402(c)(16) which clarifies that zone marking coatings that also meet the definition for traffic marking coatings are subject only to the federal VOC content limit for zone marking coatings.

The U.S. EPA published the federal AIM coatings rule on September 11, 1998, and the rule went into effect one year later on September 11, 1999. The OTC model rule for AIM coatings was finalized in 2001. The OTC model rule does not contain a separate definition for zone marking coatings. The OTC model rule's definition of traffic marking coatings and VOC content limit for traffic marking coatings subsumed the federal definition and VOC content limit (450 grams/liter) for zone marking coatings. Therefore, states that have adopted AIM coatings regulations based on the OTC model rule no longer recognize the zone markings coating category and coatings that could have previously fallen under the zone marking coatings exception in the federal rule must now satisfy the VOC content limits for traffic marking coatings which is 150 grams/liter.

ICA requested a limited three to four week window in the late fall to apply products that would exceed the proposed rule's VOC content limit of 150 grams/liter for traffic marking coatings during the non-ozone season but presumably fall under the federal rule's definition of zone marking coatings. IDEM reviewed the AIM coatings rules of the other states that have adopted the OTC model rule and those states do not recognize the federal exception for zone marking coatings. All traffic coatings must comply with the 150 grams/liter VOC content limit. Furthermore, Indiana's neighboring states of Illinois and Ohio, which have effective AIM coatings rules based on the OTC model rule, require all traffic marking coatings to meet the 150 grams/liter VOC content limit. These states must deal with seasonal challenges very similar to Indiana's when applying traffic marking coatings, and they have not reported any performance issues with compliant coatings applied during the late fall. IDEM believes the nonozone season VOC content limit of 150 grams/liter that has been adopted by several other states is appropriate and should not be amended.

Comment: For other materials covered by this proposal, the record keeping requirements apply only to the product manufacturer. ICA doesn't think there is any justification for treating traffic marking materials differently. Furthermore, IDEM's draft rule that the Air Pollution Control Board is considering requires those records to be maintained for five years. This is two additional years compared to the original Second Notice of Comment Period version published on October 15, 2008. (ICA)

Response: Prior to preliminary adoption of the proposed rule, IDEM amended the record keeping requirement under [326 IAC 8-14-7](#), "Application of traffic marking materials", to be internally consistent with other record keeping requirements in the rule at [326 IAC 8-14-5](#). The record keeping requirements at [326 IAC 8-14-5](#) require each manufacturer of a product subject to a VOC content limit in the rule to maintain records for a period of five years.

The Wisconsin traffic marking rule (NR 422.17), on which the rule language for traffic marking materials is based, requires records to be maintained for a period of three years and requires any person subject to the rule who applies traffic marking materials to maintain records. IDEM will amend the record keeping requirements for traffic marking coatings under [326 IAC 8-14-7](#) to be consistent with the language in Wisconsin's traffic marking rule and require records for traffic marking materials to be maintained for a period of three years instead of five years.

Comment: While most other effective dates in the proposed rule were pushed back one year as a result of the several changes in the date for this hearing, the January 1, 2011 date in Section 7 of the rule has not been revised. The wording in this section also appears to nullify for traffic markings, the sell-through provisions in Section 3(d) of the rule that allow materials manufactured before the effective date of this rule to be sold and used for an extended period of time.(ICA)

Response: The January 1, 2011 date is cited consistently throughout the proposed rule as the effective date of the rule. This rule is expected to be finalized and effective in late 2010 or early 2011. IDEM will amend the current implementation date in the proposed rule prior to final adoption from January 1, 2011 to October 1, 2011 in order to provide adequate time for manufacturers and users of AIM coatings to meet rule requirements.

Additionally, IDEM will amend the language in [326 IAC 8-14-7\(a\)](#), "Application of traffic marking materials", to ensure that the sell through provisions for AIM coatings in [326 IAC 8-14-7\(d\)](#) applies to traffic marking materials.

Comment: ICA's other area of concern pertains to epoxy-penetrating sealer, which is a product used to protect concrete bridge decks. ICA believes, although is not able to verify, that none of the products approved for use by the INDOT comply with the proposed VOC limits. While products with lower VOC limits are available in the market, INDOT requires that contractors use only those products on its approved list. Unless INDOT were to find that other products are acceptable, adoption of this rule would put contractors in a Catch 22 situation of not being

able to use the INDOT acceptable products because of their VOC content, but not being able to use other products due to lack of acceptability to INDOT. ICA also understands that contractors would have to invest in new equipment to use some of the thicker, lower VOC products because those products could not be sprayed using existing equipment. (ICA)

Response: INDOT's Office of Materials Management is in the process of checking whether epoxy penetrating sealers on its approved materials list comply with the proposed VOC content requirement. It is not yet known with certainty whether any of the approved products meet the proposed rule's VOC content requirement. It takes approximately six months to a year for INDOT to approve a new product to be added to their materials list.

IDEM recognizes the difficulties that INDOT contractors will face if compliant products have not been approved by INDOT prior to the rule's implementation date. INDOT is aware of this rulemaking and its impact on their operations and is currently working on assessing their approved materials list to determine compliance with the proposed VOC content limits. IDEM will amend the implementation date of the proposed rule to October 1, 2011, in order to give users of AIM coatings like INDOT additional time to find and approve compliant products, if necessary.

Comment: Eli Lilly and Company ("Lilly") owns and operates several facilities in Indiana that would be subject to this, including three sites which are subject to the Title V operating permit program. Lilly generally supports the concept of limiting VOC content in architectural and industrial maintenance coatings as a step towards achieving the National Ambient Air Quality Standards (NAAQS) for ozone. By focusing the requirements of the rule on the production of the coating material itself, the rule can achieve environmental benefit at a reasonable cost and with great efficiency. Once manufacturers begin producing compliant coatings, especially in the context of multi-state or national programs, then virtually all of the coatings that are used in commerce will be low emitting coatings when applied. When a facility owner such as Lilly purchases and applies a coating, the chances of that coating not meeting the standards of IDEM's rule are very slim.

IDEM's proposed rule extends liability and compliance management requirements to "any person who applies or solicits the application of any AIM coating within the State of Indiana." This means that any company that applies coatings to its facilities or hires someone to apply coatings to its facilities, has a new Clean Air Act obligation to use compliant AIM coatings. As a result, because rule [326 IAC 8-14](#) will apply to facility owners that are subject to the Title V operating permit program, the rule would be an "applicable requirement", and consequently must be contained in the facility's Title V permit. The responsible official for the facility would then be required each year to certify the facility's compliance status with regard to the rule. In order to certify compliance status, the facility would have to develop a compliance management system that ensures it knows whether the AIM coatings applied at the facility meet the requirements of rule 8-14. For a large industrial or commercial facility, where various AIM coatings are applied, perhaps on a daily basis, throughout the plant site, developing a system to monitor and verify the coatings meet the requirements of Rule 8-14 would be quite extensive, and yet provide little environmental benefit because the true environmental benefit for the proposed rule occurs when the low VOC coating is manufactured and sold.

Lilly's Corporate Center in downtown Indianapolis and our Lilly Technology Center on the southwest side of Indianapolis are both good examples of how implementing the rule becomes complicated and a heavy burden for companies that want to comply with all their Clean Air Act requirements. Both of these sites are large, complex facilities that consist of dozens of buildings that are constantly undergoing various painting and maintenance activities that involve coatings subject to the proposed rule. In any given week, there could be a dozen different contractors or Lilly employees applying AIM coatings throughout the facilities. We can specify in our purchasing contracts that all coating must be compliant coatings, and we can specify in our building maintenance contracts that our contractors use compliant coatings. But the existence of those contracts does not satisfy the requirement of the Title V compliance certification that we conduct a reasonable inquiry into our operations to ensure that we are in compliance with Clean Air Act requirements such as the AIM coatings rule.

It is not clear what a reasonable inquiry is for an obligation such as being required to use compliant AIM coatings. It probably doesn't mean checking every single coating used at the sites. On the other hand it clearly doesn't mean depending on contractors to follow their contracts without ever checking the coatings they are using. When you consider that sites like ours and other large industrial sites may use hundreds of different AIM coatings in the course of a year, you can begin to understand how baffling and potentially burdensome this issue can become.

In response to the comments Lilly submitted on this rule during the Second Notice of Comment Period, IDEM avoided providing a direct response to our concerns about the administrative burden of ensuring everyone at our sites was using compliant coatings. IDEM's response noted that all the other states that have adopted AIM coatings rules have extended liability to the owners and operators of facilities where coatings are applied, and that those states have sources subject to Title V permitting requirements too. The response implicitly suggests that because no other states attempted to address the issue, than Indiana does not need to address it either.

IDEM did suggest that Lilly could limit potential liability by requiring compliant coatings in our purchasing and maintenance contracts. We agree that such contracts can greatly reduce our potential liability. That is not our concern, however. As stated earlier, Lilly is concerned that the existence of those contracts alone does not

constitute a reasonable inquiry for the purposes of meeting our Title V compliance certification requirements, and that we, and others, will expend unnecessary administrative resources establishing an internal system to ensure that the coatings are compliant.

Lilly understands that if sources are not using compliant coatings then the objective of the rule is undermined. We believe, however, that the vast majority of the benefit of this rule occurs when the coatings are manufactured and sold. At that point, nearly all of the coatings that are used in the field will be compliant coatings because those are the coatings that will be readily available in the market. The benefit of the rule will be widely achieved. After the market is filled with compliant coatings, the only people who will be using noncompliant coatings will be those who are intentionally purchasing noncompliant coatings or those who have been tricked to believe their coatings are compliant coatings. These folks will comprise only a very small portion of the businesses applying AIM coatings. It will be difficult to find these noncompliant actors. And meanwhile, Indiana facilities that wrestle with the issue of conducting their Title V compliance certifications correctly will take on additional administrative cost for minimal, if any, environmental benefit.

Lilly requests that all references to potential applicability of the rule to facilities that apply coatings or have coatings applied for them be taken from the rules. (ELC)

Response: IDEM has committed to implement a VOC AIM coatings rule per LADCO's recommendation to its member states and the department has included the expected reductions of VOCs resulting from both manufacturing and end users as part of the Indiana's State Implementation Plan development process. As ELC notes, limiting VOC content in AIM coatings is a step towards assisting Indiana in maintaining and achieving the NAAQS for ozone. Currently, U.S. EPA is considering lowering the existing 8-hour ozone NAAQS of 0.075 parts per million. U.S. EPA will issue a final decision by August 31, 2010. Once Indiana has an effective AIM coatings rule, the state will be able to receive credits for VOC reductions to assist ozone nonattainment counties in meeting the 8-hour ozone NAAQS.

The following states or jurisdictions have adopted an AIM coatings rule with applicability that extends to users of AIM coatings: California, Connecticut, Delaware, District of Columbia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia. Approximately 45% of the United States population is subject to the VOC content limits for AIM coatings in the proposed rule. Furthermore, Title V facilities exist in all of these states and those facilities must comply with their state's AIM coatings VOC regulations. IDEM's response to ELC's concerns during the Second Notice of Comment Period did not mean to implicitly suggest that no other states attempted to address the issue. IDEM discussed this issue with representatives from the states mentioned above and no other state found ELC's concerns regarding Title V compliance certification to be an issue that placed an undue burden upon facilities like the ones alluded to in ELC's comments.

IDEM believes that the primary compliance obligation is on manufacturers and others who sell AIM coatings products in Indiana. The majority of the rule requirements including container labeling ([326 IAC 8-14-4](#)), record keeping and reporting ([326 IAC 8-14-5](#)) and compliance provisions and test methods ([326 IAC 8-14-6](#)) do not apply to users of AIM coatings.

However, in addition to manufacturers, IDEM believes that users of AIM products should also be responsible for ensuring they are using compliant products, particularly when non-compliant products are available in the market. IDEM disagrees with the statement that "after the market is filled with compliant coatings, the only people who will be using noncompliant coatings will be those who are intentionally purchasing noncompliant coatings...." Compliant coatings are readily available in the market, and facilities such as those operated by ELC that use a multitude of AIM coatings have a responsibility to ensure that their contractors and employees are complying with Indiana's VOC regulations. Without a national rule in place, noncompliant products can be easily obtained. Failing to extend applicability of this rule to users of AIM coatings will mean that a significant portion of reduction potential will be lost.

IDEM reiterates that compliance obligations may be achieved by requiring compliant coatings in purchasing and maintenance contracts. The proposed rule does require that facilities take on some additional administrative responsibilities to ensure that employees and contractors are aware of the facility's compliance obligations, but, IDEM does not believe that the requirements and additional administrative due diligence is overly burdensome as to require a change to the scope of applicability of the proposed rule. IDEM does not believe it is necessary to amend the applicability of the rule.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

<http://www.in.gov/idem/4108.htm>

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:
Alison Surface

IDEM Compliance and Technical Assistance Program - OPPTA
MC 60-04 IGCS W041
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8172 or (800) 988-7901
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:
Brad Baughn
IDEM Small Business Assistance Program Ombudsman
MC 50-01 IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
bbaughn@idem.in.gov

326 IAC 8-14

SECTION 1. [326 IAC 8-14](#) IS ADDED TO READ AS FOLLOWS:

Rule 14. Architectural and Industrial Maintenance (AIM) Coatings

326 IAC 8-14-1 Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 1. This rule applies to any person who supplies, sells, offers for sale, or manufactures any AIM coating for use within the state of Indiana, as well as any person who applies or solicits the application of any AIM coating within the state of Indiana, except for the following:

- (1) Any AIM coating that is sold or manufactured for:
 - (A) use outside of the state of Indiana; or
 - (B) shipment to other manufacturers for reformulation or repackaging.
- (2) Any aerosol coating product.
- (3) Any AIM coating that is sold in a container with a volume of one (1) liter (one and fifty-seven thousandths (1.057) quarts) or less.

(Air Pollution Control Board; [326 IAC 8-14-1](#))

326 IAC 8-14-2 Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 2. The following definitions apply throughout this rule:

- (1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.
- (2) "Aerosol coating product" means a pressurized coating product containing pigments or resins that:
 - (A) dispenses product ingredients by means of a propellant; and
 - (B) is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic or ground marking applications.
- (3) "AIM coatings" means architectural and industrial maintenance coatings.
- (4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- (5) "Antifouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered

with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).

(6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, any of the following:

- (A) Bathroom and kitchen fixtures.
- (B) Cabinets.
- (C) Concrete forms.
- (D) Doors.
- (E) Elevators.
- (F) Fences.
- (G) Hand railings.
- (H) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.
- (I) Lampposts.
- (J) Partitions.
- (K) Pipes and piping systems.
- (L) Rain gutters and downspouts.
- (M) Stairways.
- (N) Fixed ladders.
- (O) Catwalks and fire escapes.
- (P) Window screens.

(7) "Architectural coating" means a coating to be applied to any of the following:

- (A) Stationary structures or the appurtenances at the site of installation.
- (B) Portable buildings at the site of installation.
- (C) Pavements.
- (D) Curbs.

The term does not include adhesives, coatings applied in shop applications, or coatings applied to nonstationary structures, such as airplanes, ships, boats, railcars, and automobiles.

(8) "Bitumens" means black or brown materials, including, but not limited to, asphalt, tar, pitch, or asphaltite, that:

- (A) are soluble in carbon disulfide;
- (B) consist mainly of hydrocarbons; and
- (C) are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(9) "Bituminous roof coating" means a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

(10) "Bituminous roof primer" means a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

(11) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

(12) "Calcimine recoaters" means flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are:

- (A) intended exclusively for application by brush; and
- (B) labeled as specified in section 4(5) of this rule.

(14) "Clear wood coatings" means clear and semitransparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

(15) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, the following:

- (A) Paints.
- (B) Varnishes.
- (C) Sealers.
- (D) Stains.

(16) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

(18) "Concrete surface retarder" means a mixture of retarding ingredients, such as:

- (A) extender pigments;
- (B) primary pigments;

(C) resin; and

(D) solvent;

that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(19) "Conjugated oil varnish" means a clear or semitransparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, a minimum of fifty percent (50%) of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

(20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two (2) component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.

(21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(22) "Exempt compound" means a compound identified as exempt under the definition of VOC. The exempt compounds content of a coating shall be determined in accordance with Method 24 of 40 CFR Part 60, Appendix A* or SCAQMD Method 303-91 "Determination of Exempt Compounds", approved June 1, 1991, and revised February 1993*.

(23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, the following:

(A) Dirt.

(B) Old age.

(C) Smoke damage.

(D) Simulated marble.

(E) Simulated wood grain.

(24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements.

The fire-resistive coating shall be tested in accordance with ASTM E119-05a "Standard Test Methods for Fire Tests of Building Construction and Materials", November 2005*.

(25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing building and construction materials into compliance with federal, state, and local building code requirements.

The fire-retardant coating shall be tested in accordance with ASTM E84-05e1 "Standard Test Method for Surface Burning Characteristics of Building Materials", February 2005*.

(26) "Flat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers a gloss less than fifteen (15) on an eighty-five (85) degree gloss meter or less than five

(5) on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, the following:

(A) Decks.

(B) Porches.

(C) Steps.

(D) Other horizontal surfaces that may be subjected to foot traffic.

(28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood,

metal, or some material other than concrete.

(30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs, excluding structural components, and murals including the following:

- (A) Letter enamels.
- (B) Poster colors.
- (C) Copy blockers.
- (D) Bulletin enamels.

(31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage by floating ice or debris.

(33) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, or topcoats, formulated for application to substrates exposed to one (1) or more of the following extreme environmental conditions and labeled as specified in section 4(4) of this rule:

- (A) Immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposures of interior surfaces to moisture condensation.
- (B) Acute or chronic exposure to:
 - (i) corrosive, caustic, or acidic agents;
 - (ii) chemicals;
 - (iii) chemical fumes; or
 - (iv) chemical mixtures or solutions.
- (C) Repeated exposure to temperatures above one hundred twenty-one (121) degrees Celsius (two hundred fifty (250) degrees Fahrenheit).
- (D) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents.
- (E) Exterior exposure of metal structures and structural components.

(34) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to:

- (A) dry by evaporation without chemical reaction; and
- (B) provide a solid, protective film.

(35) "Low-solids coating" means a coating containing twelve-hundredths (0.12) kilogram or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

(36) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(38) "Mastic texture coating" means a coating labeled and formulated to:

- (A) cover holes and minor cracks; and
- (B) conceal surface irregularities;

that is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.

(39) "Metallic pigmented coating" means a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (four-tenths (0.4) pounds per gallon) when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", July 1996*.

(40) "Multicolor coating" means a coating that:

- (A) is packaged in a single container; and
- (B) exhibits more than one (1) color when applied in a single coat.

(41) "Nonflat coating" means a coating that:

- (A) is not defined under any other definition in this rule; and
- (B) registers a gloss of fifteen (15) or greater on an eighty-five (85) degree gloss meter and five (5) or greater on a gloss meter when held at a sixty (60) degree angle according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(42) "Nonflat-high-gloss coating" means a nonflat coating that registers a gloss of seventy (70) or above on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(43) "Nonindustrial" use means any use of architectural coatings except in the construction or maintenance of any of the following:

- (A) Facilities used in the manufacturing of goods and commodities.
- (B) Transportation infrastructures, including the following:
 - (i) Highways.
 - (ii) Bridges.
 - (iii) Airports.
 - (iv) Railroads.
- (C) Facilities used in mining activities, including petroleum extraction.
- (D) Utilities infrastructures, including power generation and distribution and water treatment and distribution systems.
- (44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces, such as steel (or concrete), that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure and be tested in accordance with ASTM Method D4082-89 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", January 2002*. These coatings must also be relatively easy to decontaminate and resistant to various chemicals to which coatings are likely to be exposed and be tested in accordance with ASTM Method D3912-80 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", approved January 2001*.
- (45) "Person" has the meaning set forth in [IC 13-11-2-158\(a\)](#).
- (46) "Postconsumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer. The term does not include manufacturing wastes.
- (47) "Pretreatment wash primer" means a primer that:
 - (A) contains a minimum of five-tenths percent (0.5%) acid, by weight, when tested in accordance with ASTM D1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", October 2003*; and
 - (B) is labeled and formulated for application directly to bare metal surfaces to:
 - (i) provide corrosion resistance; and
 - (ii) promote adhesion of subsequent topcoats.
- (48) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.
- (49) "Quick-dry enamel" means a nonflat coating that is labeled as specified in section 4(8) of this rule and that is formulated to have the following characteristics:
 - (A) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen (16) and twenty-seven (27) degrees Celsius (sixty (60) and eighty (80) degrees Fahrenheit).
 - (B) When tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*:
 - (i) sets to touch in two (2) hours or less;
 - (ii) is tack free in four (4) hours or less;
 - (iii) dries hard in eight (8) hours or less by the mechanical test method; and
 - (iv) has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.
- (50) "Quick-dry primer, sealer, and undercoater" means a primer, sealer, or undercoater that:
 - (A) is dry to the touch in thirty (30) minutes; and
 - (B) can be recoated in two (2) hours when tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*.
- (51) "Recycled coating" means an architectural coating formulated such that not less than fifty percent (50%) of the total weight consists of secondary and postconsumer coating, with not less than ten percent (10%) of the total weight consisting of postconsumer coating.
- (52) "Residence" means areas where people reside or lodge, including, but not limited to, the following:
 - (A) Single and multiple family dwellings.
 - (B) Condominiums.
 - (C) Mobile homes.
 - (D) Apartment complexes.
 - (E) Motels.
 - (F) Hotels.
- (53) "Roof coating" means a nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purposes of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. The term does not include metallic pigmented roof coatings that qualify as metallic pigmented coatings. These roof coatings shall be considered to be in the metallic pigmented

coatings category.

(54) "Rust preventive coating" means a coating:

(A) formulated:

- (i) exclusively for nonindustrial use; and
- (ii) to prevent the corrosion of metal surfaces; and

(B) labeled as specified in section 4(6) of this rule.

(55) "Sanding sealer" means a clear or semitransparent wood coating labeled and formulated for application to bare wood to:

(A) seal the wood; and

(B) provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

The term does not include a sanding sealer that also meets the definition of a lacquer, but it is included in the lacquer category.

(56) "SCAQMD" means the South Coast Air Quality Management District in California.

(57) "Sealer" means a coating labeled and formulated for application to a substrate to prevent:

(A) subsequent coatings from being absorbed by the substrate; or

(B) harm to subsequent coatings by materials in the substrate.

(58) "Secondary coating (rework)" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. The term does not include excess virgin resources of the manufacturing process.

(59) "Shellac" means a clear or opaque coating:

(A) formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*);

(B) thinned with alcohol; and

(C) formulated to dry by evaporation without a chemical reaction.

(60) "Shop application" means an application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a:

(A) manufacturing;

(B) production; or

(C) repairing;

process.

(61) "Solicit" means to require for use or to specify, by written or oral contract.

(62) "Specialty primer, sealer, and undercoater" means a coating:

(A) labeled as required in section 4(7) of this rule; and

(B) formulated for application to:

(i) a substrate to seal fire, smoke, or water damage;

(ii) condition excessively chalky surfaces;

(iii) seal in efflorescence; or

(iv) block stains.

An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM D4214-98 "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", August 1998*.

(63) "Stain" means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(64) "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must:

(A) penetrate into stone substrates to create bonds between particles and consolidate deteriorated material; and

(B) be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use of Stone Consolidants"*.

(65) "Swimming pool coating" means a coating labeled and formulated to:

(A) coat the interior of swimming pools; and

(B) resist swimming pool chemicals.

(66) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

(67) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:

(A) the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and

(B) application to substrates exposed continuously or intermittently to temperatures above two

hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(68) "Thermoplastic rubber coating and mastics" means a coating or mastic:

(A) formulated and recommended for application to roofing or other structural surfaces; and

(B) that incorporates not less than forty percent (40%) by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to:

(i) fillers;

(ii) pigments; and

(iii) modifying resins.

(69) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, the following:

(A) Curbs.

(B) Berms.

(C) Driveways.

(D) Parking lots.

(E) Sidewalks.

(F) Airport runways.

(71) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.

(72) "U.S. EPA" means United States Environmental Protection Agency.

(73) "Varnish" means a clear or semitransparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to:

(A) color a surface; or

(B) control the final sheen or gloss of the finish.

(74) "Volatile organic compound" or "VOC" means a compound as defined in [326 IAC 1-2-90](#).

(75) "Waterproofing concrete or masonry sealer" means a clear or pigmented coating that is labeled and formulated for sealing concrete and masonry to provide resistance against the following:

(A) Water.

(B) Alkalis.

(C) Acids.

(D) Ultraviolet light.

(E) Staining.

(76) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(77) "Wood preservative" means a coating:

(A) labeled and formulated to protect exposed wood from decay or insect attack; and

(B) that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).

* These documents are incorporated by reference. Copies 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 8-14-2](#))

[326 IAC 8-14-3](#) Standards for AIM coatings

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 3. (a) Except as provided in subsections (c) and (d), on or after January 1, 2011, no person shall:

(1) manufacture, blend, or repackage for sale within the state of Indiana;

(2) supply, sell, or offer for sale within the state of Indiana; or

(3) solicit for application or apply within the state of Indiana;

any AIM coating with a VOC content in excess of the corresponding limit specified in subsection (b).

(b) Compliance with the VOC content limits shall not exceed the following limits:

Coating Category	VOC Limit	VOC Limit
------------------	-----------	-----------

	(grams/liter)	(pounds/gallon)
Flat coatings	100	0.83
Nonflat coatings	150	1.25
Nonflat-high-gloss coatings	250	2.08
Specialty coatings:		
Antenna coatings	530	4.42
Antifouling coatings	400	3.33
Bituminous roof coatings	300	2.50
Bituminous roof primers	350	2.92
Bond breakers	350	2.92
Calcimine recoaters	475	3.96
Clear wood coatings:		
Clear brushing lacquers	680	5.67
Lacquers, including clear lacquer sanding sealers	550	4.59
Sanding sealers, excluding clear lacquers	350	2.92
Varnishes other than conversion varnishes	350	2.92
Conjugated oil varnish	450	3.75
Conversion varnish	725	6.04
Concrete curing compounds	350	2.92
Concrete surface retarders	780	6.50
Dry fog coatings	400	3.33
Faux finishing coatings	350	2.92
Fire-resistive coatings	350	2.92
Fire-retardant coatings (clear)	650	5.42
Fire-retardant coatings (opaque)	350	2.92
Floor coatings	250	2.08
Flow coatings	420	3.50
Form-release compounds	250	2.08
Graphic arts coatings (sign paints)	500	4.17
High temperature coatings	420	3.50
Impacted immersion coatings	780	6.50
Industrial maintenance coatings	340	2.83
Low-solids coatings	120	1.00
Magnesite cement coatings	450	3.75
Mastic texture coatings	300	2.50
Metallic pigmented coatings	500	4.17
Multicolor coatings	250	2.08
Nuclear coatings	450	3.75
Pretreatment wash primers	420	3.50
Primers, sealers, and undercoaters	200	1.67
Quick-dry enamels	250	2.08
Quick-dry primers, sealers, and undercoaters	200	1.67
Recycled coatings	250	2.08
Roof coatings	250	2.08
Rust preventive coatings	400	3.33
Shellacs (clear)	730	6.09
Shellacs (opaque)	550	4.59
Specialty primers, sealers, and undercoaters	350	2.92
Stains	250	2.08
Stone consolidants	450	

Swimming pool coatings	340	2.83
Swimming pool repair and maintenance coatings	340	2.83
Temperature-indicator safety coatings	550	4.59
Thermoplastic rubber coatings and mastics	550	4.59
Traffic marking coatings (ozone season-May 1 to September 30)	91	0.76
Traffic marking coatings (nonozone season- October 1 to April 30)	150	1.25
Waterproofing sealers	250	2.08
Waterproofing concrete or masonry sealers	400	3.33
Wood preservatives	350	2.92
Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.		

(c) If anywhere on the container of an AIM coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition or is recommended for use for more than one (1) of the categories listed in subsection (b), then the category with the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified as follows:

- (1) Lacquer coatings, including lacquer sending sealers.
- (2) Metallic pigmented coatings.
- (3) Shellacs.
- (4) Fire-retardant coatings.
- (5) Pretreatment wash primers.
- (6) Industrial maintenance coatings.
- (7) Low-solids coatings.
- (8) Wood preservatives.
- (9) High temperature coatings.
- (10) Temperature-indicator safety coatings.
- (11) Antenna coatings.
- (12) Antifouling coatings.
- (13) Flow coatings.
- (14) Bituminous roof primers.
- (15) Specialty primers, sealers, and undercoaters.
- (16) Thermoplastic rubber coatings and mastics.
- (17) Calcimine recoaters.
- (18) Impacted immersion coatings.
- (19) Nuclear coatings.

(d) The following sell through provisions apply to AIM coatings:

- (1) A coating manufactured prior to January 1, 2011, may be sold, supplied, or offered for sale until January 1, 2014.
- (2) A coating manufactured before January 1, 2011, may be applied at any time both before and after January 1, 2011, so long as the coating complied with the standards in effect at the time the coating was manufactured.
- (3) The provisions in subdivisions (1) and (2) do not apply to any coating that does not display the date or date code required by section 4(1) of this rule.

(e) The following work practices are required:

(1) All AIM coatings containers used to apply the contents therein to a surface directly from the container by:

- (A) pouring;
- (B) siphoning;
- (C) brushing;
- (D) rolling;
- (E) padding;
- (F) ragging; or
- (G) other means;

shall be closed when not in use.

(2) Containers of any VOC-containing materials used for thinning and cleanup shall be closed when

not in use.

(f) No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subsection (b).

(g) No person shall apply or solicit the application of any rust preventative coating for industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC content limit specified in subsection (b).

(h) If a coating does not meet any of the definitions for the specialty coatings categories listed in subsection (b), the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high-gloss coating as defined in section 2 of this rule. The corresponding flat or nonflat coating VOC content limit shall apply.

(Air Pollution Control Board; [326 IAC 8-14-3](#))

[326 IAC 8-14-4](#) Container labeling

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. On and after January 1, 2011, each manufacturer of any AIM coating subject to this rule shall prominently display the following information on the coating container or label in which the coating is sold or distributed:

(1) A date code, as follows:

(A) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container.

(B) If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the department.

(2) Thinning recommendations, as follows:

(A) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(B) This requirement does not apply to the thinning of architectural coatings with water.

(C) If thinning of a coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(3) VOC content, as follows:

(A) Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning recommended by the manufacturer.

(B) VOC content shall be displayed in grams of VOC per liter of coating.

(C) VOC content displayed shall be:

(i) calculated using product formulation data; or

(ii) determined using the test methods in section 6(b) of this rule.

The equations in section 6(a) of this rule shall be used to calculate VOC content.

(4) The label or the lid of the container in which an industrial maintenance coating is sold or distributed shall display one (1) or more of the following industrial maintenance coatings descriptions:

(A) "For industrial use only".

(B) "For professional use only".

(C) "Not for residential use".

(D) "Not intended for residential use".

(5) The labels of all clear brushing lacquers shall prominently display the following statements:

(A) "For brush application only".

(B) "This product must not be thinned or sprayed".

(6) The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only".

(7) The labels of all specialty primers, sealers, and undercoaters shall prominently display one (1) or more of the following descriptions:

(A) "For blocking stains".

- (B) "For fire-damaged substrates".
- (C) "For smoke-damaged substrates".
- (D) "For water-damaged substrates".
- (E) "For excessively chalky substrates".
- (F) "To seal in efflorescence".

(8) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

(9) The labels of all nonflat-high-gloss coatings shall prominently display the words "High Gloss".

(10) The labels of all stone consolidants shall prominently display the statement "Stone Consolidant-For Professional Use Only".

(Air Pollution Control Board; [326 IAC 8-14-4](#))

[326 IAC 8-14-5](#) Recordkeeping and reporting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) Each manufacturer of a product subject to a VOC content limit in section 3(b) of this rule shall keep records demonstrating compliance with the VOC content limits. The records shall clearly list each product by all of the following:

- (1) Name.
- (2) Identifying number if applicable.
- (3) VOC content as determined by section 6 of this rule.
- (4) Name or names and chemical abstract service (CAS) number of the VOC constituents in the product.
- (5) Dates of the VOC content determinations.
- (6) Coating category and applicable VOC content limit.

(b) The records required by subsection (a) shall be:

- (1) kept for a period not less than five (5) years; and
- (2) made available to the department for inspection within ninety (90) days of request.

(c) Each manufacturer shall, upon request of the department, provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 3(b) of this rule. The manufacturer shall within ninety (90) days provide the following information:

- (1) The name and mailing address of the manufacturer.
- (2) The name, address, and telephone number of a contact person.
- (3) The name of the product as it appears on the label and the coating category under which it is regulated, as listed in section 3(b) of this rule.
- (4) Whether the coating is marketed for interior use or exterior use, or both.
- (5) The number of gallons sold in the state of Indiana in containers greater than one (1) liter.
- (6) The actual VOC content and VOC content in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning.
- (7) The names and CAS number of the VOC constituents in the product.

(d) Manufacturers of an AIM coating that contains perchloroethylene or methylene chloride shall, within thirty (30) days upon request of the department, submit a report to the department that includes the following information for the product sold in the state during the previous twelve (12) months from the date of the department's request:

- (1) The product's brand name and a copy of the product label with the legible usage instructions.
- (2) The coating category, listed in section 3(b) of this rule, to which the coating belongs.
- (3) The total sales during the twelve (12) month period to the nearest gallon.
- (4) The volume percent, to the nearest one-tenth of one percent (0.10%), of perchloroethylene and methylene chloride in the coating.

(e) Manufacturers of recycled coatings shall, within thirty (30) days upon request of the department, submit a letter to the department certifying their status as a recycled paint manufacturer. The report shall

include the following information for all recycled coatings for the previous twelve (12) months from the date of the department's request:

- (1) The total number of gallons distributed in Indiana during the twelve (12) month period.
- (2) A description of the method used by the manufacturer to calculate state distribution.

(f) Manufacturers of bituminous roof coatings or bituminous roof primers shall, within thirty (30) days upon request of the department, submit a report that includes the following information for the previous twelve (12) months from the date of the department's request:

- (1) The total number of gallons of bituminous roof coatings or bituminous roof primers sold in Indiana during the twelve (12) month period.
- (2) A description of the method used by the manufacturer to calculate state sales.

(Air Pollution Control Board; [326 IAC 8-14-5](#))

[326 IAC 8-14-6](#) Compliance provisions and test methods

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 6. (a) For the purpose of determining compliance with the VOC content limits in section 3(b) of this rule, the VOC content of a coating shall be determined using the procedures described in subdivision (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. VOC content shall be determined as follows:

- (1) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:	VOC Content	=	grams of VOC per liter of coating
	W_s	=	weight of volatiles, in grams
	W_w	=	weight of water, in grams
	W_{ec}	=	weight of exempt compounds, in grams
	V_m	=	volume of coating, in liters
	V_w	=	volume of water, in liters
	V_{ec}	=	volume of exempt compounds, in liters

- (2) For low solid coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content}_{ls} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:	VOC Content_{ls}	=	the VOC content of a low-solids coating in grams per liter of coating
	W_s	=	weight of volatiles, in grams
	W_w	=	weight of water, in grams

W_{ec}	=	weight of exempt compounds, in grams
V_m	=	volume of coating, in liters

(b) To determine the physical properties of a coating in order to perform the calculations in subsection (a), the reference method for VOC content is Method 24 of 40 CFR Part 60, Appendix A*, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91* "Determination of Volatile Organic Compounds in Various Materials", February 1996. The exempt compounds content shall be determined by SCAQMD Method 303-91* "Determination of Exempt Compounds", February 1993. To determine the VOC content of a coating, the manufacturer may use Method 24 of 40 CFR Part 60, Appendix A*, or an alternative method, as provided in subsection (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended, for example, quality assurance checks, recordkeeping. However, if there are any inconsistencies between the results of a test conducted utilizing Method 24 of 40 CFR Part 60, Appendix A* and any other means for determining VOC content, the results of the test utilizing Method 24 of 40 CFR Part 60, Appendix A* will govern, except when an alternative method is approved as specified in subsection (c). The department may require the manufacturer to conduct an analysis using Method 24 of 40 CFR Part 60, Appendix A*.

(c) The use of alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) after review and approval in writing by the department and the U.S. EPA may be used.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Method 24 of 40 CFR Part 60, Appendix A*. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

*These documents are incorporated by reference. Copies 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 8-14-6](#))

[326 IAC 8-14-7](#) Application of traffic marking materials

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 7. (a) After January 1, 2011, during the ozone season (May 1 through September 30), no person may cause, allow, or permit the application of traffic marking material that exceeds the following limits:

- (1) For traffic marking material that is a liquid at the time of application, the VOC content limits listed in section 3(b) of this rule.
- (2) For field-reacted traffic marking material, or for traffic marking material that is not measurable as a liquid at the time of application, a VOC emission rate of three and six-tenths (3.6) kilograms per stripe-kilometer or twelve and two-tenths (12.2) pounds per stripe-mile.

(b) Any person subject to this section who applies traffic marking material shall maintain the following records:

- (1) Types and amounts of traffic marking materials purchased annually.
- (2) The VOC content or emission rate of each type of traffic marking material applied in any of the following:
 - (A) Grams per liter.
 - (B) Pounds per gallon.
 - (C) Kilograms per stripe-kilometer.
 - (D) Pounds per stripe-mile.
- (3) Monthly quantities of each type of traffic marking material applied.

(c) The records required in subsection (b) shall be:

- (1) kept for a period of five (5) years after the traffic marking material is applied; and**
- (2) made available to the department for inspection within ninety (90) days of the request.**

(Air Pollution Control Board; [326 IAC 8-14-7](#))

[Notice of Public Hearing](#)

Posted: 07/21/2010 by Legislative Services Agency

An [html](#) version of this document.

H

ADMINISTRATIVE CHECKLIST (40 CFR 51, Appendix V)

- | | |
|---|---------------------|
| 1. The submittal is accompanied by a formal letter of submittal from the governor or his designee. | Enclosed |
| 2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement ("document"); in final form. | Attachment B |
| a. Date of adoption or final issuance: | September 1, 2010 |
| b. The effective date of the plan, if different from the adoption/issuance date. | December 1, 2010 |
| 3. Evidence that the State has the necessary legal authority under state law to adopt and implement the plan. | IC 13-14-8 |
| 4. A copy of the actual regulation or document submitted for approval and incorporation by reference into the plan, including the following: | Attachment A |
| a. Indication of the changes made to the existing approved plan, where applicable. | |
| b. The submittal shall be a copy of the official State regulation or document signed, stamped, dated by the appropriate state official indicating that it is fully enforceable by the State. Effective date shall be stated in the document itself. | |
| 5. Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan. | Attachment B |
| 6. Evidence that public notice was given, including date of proof of publication. | Attachment D |
| <input checked="" type="checkbox"/> Notice of First Public Hearing and Publisher's Affidavits | |
| <input checked="" type="checkbox"/> Notice of Second Public Hearing and Publisher's Affidavits | |
| 7. Certification that public hearings were held in accordance with information provided in public hearing notice. | Attachments E and F |
| <input checked="" type="checkbox"/> Transcript from First Public Hearing | |
| <input checked="" type="checkbox"/> Transcript from Second Public Hearing | |
| 8. Compilation of public comments and State's response. | Attachments C and G |
| <input checked="" type="checkbox"/> Second Notice | |
| <input checked="" type="checkbox"/> Proposed Rule | |
| <input type="checkbox"/> N/A Third Comment Period | |
| 9. Technical support (if source specific rule change). | N/A |