



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

February 3, 2004

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

TO: Interested Parties / Applicant

RE: Fort Wayne Pools, Inc. / 003-16305-00071

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for a stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure
FN-112jdet.dot 9/16/03



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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Governor

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February 3, 2004

Mr. Thomas Epple 61-50 DW
Fort Wayne Pools, Inc.
6930 Gettysburg Pike
Fort Wayne, IN 46804

Re: Response to Review Request No. 16305:
 Section 112(j) Applicability Determination
 Plant ID: 003-00071

Dear Mr. Epple:

Fort Wayne Pools, Inc., located at 6930 Gettysburg Pike in Fort Wayne, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 15, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Fort Wayne Pools, Inc. is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the following source categories:

- Industrial, Commercial, and Institutional Boilers and Process Heaters; and
- Miscellaneous Metal Parts and Products Surface Coating.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline. IDEM, OAQ has determined that your source is not subject to Section 112(j) for the following source categories:

- Industrial, Commercial, and Institutional Boilers and Process Heaters; and
- Miscellaneous Metal Parts and Products Surface Coating.

Explanations of these determinations are provided below.

MAJOR SOURCE DETERMINATION

The information submitted indicates that Fort Wayne Pools, Inc. is a major source of HAPs. In addition, the issued Title V permit for Fort Wayne Pools, Inc., T003-6933-00071, issued on December 4, 2002, indicates that the source is a major source of HAPs. Since Fort Wayne Pools, Inc. is a major source of HAPs, IDEM, OAQ evaluated the source categories for which Fort Wayne Pools, Inc. requested an applicability determination.

SOURCE CATEGORY DETERMINATION

1. **Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP**

IDEM, OAQ used the following information to determine if two natural gas-fired air make-up units, designated as G-13 and G-14, belong to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Fort Wayne Pools, Inc.;
- The federal rule proposal from the January 13, 2003 *Federal Register*; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

There is no final MACT Standard for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at this time. The proposed rule for this source category was published in the *Federal Register* on January 13, 2003. Section 63.7490(b) of the proposed rule defines the affected source to which the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT will apply as “each industrial, commercial, or institutional boiler or process heater, as defined in [40 CFR] 63.7485...”

The air make-up units are both natural gas-fired. Unit G-13 is rated at 3.5 million British thermal units per hour (mmBtu/hr) heat input, and Unit G-14 is rated at 1.96 mmBtu/hr heat input. The definition of “industrial, commercial, or institutional boiler” provided in 40 CFR 63.7485(a) is: “...an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water.” The air make-up units are not boilers because they do not have the primary purpose of recovering thermal energy in the form of steam or hot water. The air make-up units are used to heat air, and water is not involved in the process.

The definition of “process heater” provided in 40 CFR 63.7485(a) is: “... an enclosed device using controlled flame with the unit’s primary purpose being to transfer heat indirectly to process streams (liquids, gases, or solids), instead of generating steam.” The operations at Fort Wayne Pools, Inc. are conducted at ambient temperature. The air make-up units’ primary purpose is to heat the ambient plant air in the winter to “make up” for warm air that escapes the building through vents, stacks, or other openings. Since the main purpose of the air make-up units is not to transfer heat indirectly to a process stream or to a heat transfer material for use in a process unit, the air make-up units are not process heaters.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that the two natural gas-fired air make-up units, designated as G-13 and G-14, at Fort Wayne Pools, Inc. do not belong to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters. Fort Wayne Pools, Inc. will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for this affected source category. If Fort Wayne Pools, Inc. is subject to Section 112(j) for any other source categories, Fort Wayne Pools, Inc. shall submit a Part 2 MACT Application for those source categories.

2. **Miscellaneous Metal Parts and Products Surface Coating NESHAP**

Since the final MACT standard for Miscellaneous Metal Parts and Products Surface Coating was promulgated on January 2, 2004, Fort Wayne Pools, Inc. is no longer subject to Section 112(j) for that source category; however, Fort Wayne Pools, Inc. may be subject to the promulgated MACT standard. Fort Wayne Pools, Inc. should check the applicability of the MACT standard. If the promulgated MACT is applicable, Fort Wayne Pools, Inc. shall comply with the promulgated MACT standard in accordance with the schedule provided in the MACT standard. The MACT requirements include the applicable General Provisions requirements of 40 CFR 63, Subpart A. Pursuant to 40 CFR 63.9(b), if Fort Wayne Pools, Inc. is subject to the MACT, Fort Wayne Pools, Inc. shall submit an initial notification not later than 120 days after the effective date of the MACT, unless the MACT specifies otherwise. The MACT and the General Provisions of 40 CFR 63, Subpart A will become new applicable requirements, as defined by 326 IAC 2-7-1(6), that must be incorporated into the Part 70 permit. After IDEM, OAQ receives an initial notification, any of the following will occur:

- (A) Since three or more years remain on the Part 70 permit term at the time the MACT was promulgated, IDEM, OAQ will notify the source that IDEM, OAQ will reopen the permit to include the MACT requirements pursuant to 326 IAC 2-7-9; or
- (B) The owner or operator of the affected source may submit an application for a significant permit modification under 326 IAC 2-7-12 to incorporate the MACT requirements. The application may include information regarding which portions of the MACT are applicable to the emission units at the source and which compliance options will be followed.

If the promulgated MACT is not applicable, no further action regarding the MACT will be necessary.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by Fort Wayne Pools, Inc., IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Fort Wayne Pools, Inc. shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Kim Cottrell or Rebecca Mason, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027, and ask for Kim Cottrell at extension 3-0870 or Rebecca Mason at extension 3-9664, or dial (317) 233-0870 or 233-9664.

Sincerely,

Original Signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

KLC/RM

CC: File - Allen County
Allen County Health Department
Air Compliance – Jennifer Dorn
Administration Section
U.S. EPA Region V – Genevieve Damico

Ms. Holly Mauger
Fort Wayne Pools, Inc.
6930 Gettysburg Pike
Fort Wayne, IN 46804