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## **Client Alert**

### **Indiana's Draft 5-Year Hazardous Air Pollutant Strategy Targets Marion, Allen, Elkhart and Lake Counties**

Indiana government is developing a strategy to reduce hazardous air pollution emissions in a number of counties, and industrial businesses in these counties should involve themselves in the process. These reduction efforts will impact the shape of Indiana businesses in these locales. Earlier this year, the General Assembly passed legislation which allows the Air Pollution Control Board to establish general requirements with respect to Hazardous Air Pollutant (HAP) emission reporting after December 31, 2003. As part of the Senate Enrolled Act (SEA) 259, IDEM and the State Department of Health (SDOH) are required to jointly develop a five year HAP strategy to ensure that new HAP emissions reporting would be tied to strategic goals for reducing HAP risks and relevant data needs. IDEM and the SDOH issued a draft report on their proposed strategy on October 10, 2002.

The purpose of the five-year strategy involves reviewing HAP emission information available in Indiana to assess what information is readily available, the quality and reliability of existing information, data gaps and the preferred methods to fill these gaps, and identification of the most significant risks posed by HAPs including the priorities in addressing these risks. In general, the strategy includes an evaluation of any risks HAP emissions pose to Indiana citizens based upon existing data in addition to identifying areas where more information/studies are needed.

Currently, several sources of information about HAP emissions are available. The EPA maintains a Toxic Release Inventory (TRI). Stationary sources from select industrial sectors must report releases of over 600 chemicals, including all HAPs annually, and this information is included in the TRI. The top 5 industrial sectors identified in a review of the TRI - electric utilities, plastics, primary metals, transported equipment and chemicals - account for 80% of reported HAP releases.

Additionally, Indiana participates in the Regional Air Pollutant Information Development System (RAPIDS), a regional inventory of air toxic pollutants of concern to the Great Lakes. Unlike TRI, RAPIDS includes mobile source inventories, but does not include an inventory of all HAPs. Again, as with the TRI review, electric utilities are some of the top industrial HAP contributors. HAP emission estimates from these TRI and RAPIDS differ greatly, with point-source emissions reported under RAPIDS estimated to be 60% greater than levels reported under TRI for Indiana. This conflict in data underscores the need for additional information. Moreover, despite the information provided by these two sources, each source only estimates total emissions, and does not provide information regarding actual public exposure to these chemicals or the health risks to the public posed by these chemicals

Rather than looking just to emission information, IDEM and the SDOH also looked at air quality monitoring data, modeling data, and health data. Using the limited monitoring data available from ToxWatch, a two-year study in four urban areas in the state, IDEM concluded that in each study area, the mean concentration of at least one HAP, primarily benzene, exceeded EPA benchmarks for



health effects. Moreover, available metals monitoring data indicated that EPA benchmarks for health effects were exceeded for arsenic, chromium, and nickel, with chromium being more than two orders of magnitude greater than the EPA benchmarks. The modeling estimated that chromium was the major contributor to elevated cancer risks overall with benzene, formaldehyde and polycyclic organic matter (POM) contributing significantly in urban areas.

Finally, available health data specific to Indiana is limited. IDEM and the SDOH looked to cancer rates in Indiana, but linking health outcomes to specific environmental exposures is nearly impossible with currently available data. Overall, based upon the several sources of HAP emission information available, several counties of concern were identified, with Allen, Elkhart, Lake and Marion listed based upon nearly all of the retrieved information.

IDEM and the SDOH concluded that additional emissions information is needed to fully quantify both the risks to Hoosiers and options for reducing these risks. Currently, there are many methods of sampling and emissions data collection available, but due to the extensive costs of monitoring HAPs, a focused strategy to fill data gaps is crucial. For example, IDEM estimated that to monitor all chemicals listed in the amendments to the state emissions reporting rule would cost approximately \$300,000 per monitoring site. Therefore, the draft report concludes that other tools, such as improved emissions data and modeling, should first be used to identify “hot spots” and then use this information to determine the most cost-effective use of limited resources. At the top of IDEM’s list for additional monitoring are Allen County, Southwest Indianapolis, and risk-driven counties for metals and metal finishing applications. As for HAP emissions reporting, IDEM and the SDOH stated their preference to work with stakeholders to develop reporting mechanisms and criteria for information requests that would collect emissions data in a manner concentrating on specific identified risk issues rather than requiring a broad HAP reporting rule.

IDEM and the SDOH have indicated a willingness to include stakeholders in the development of the new HAP reporting rule. Potentially affected stakeholders should participate in discussions regarding the new rule whenever possible. Industries previously listed as top emitters of HAPs (such as electric utilities), sources emitting HAPs of particular concern (such as chromium and benzene), and sources located in counties of concern (such as Allen, Elkhart, Lake, and Marion) should pay particular attention to the status of evolving new HAP rules.