

ARTICLE 8. VOLATILE ORGANIC COMPOUND RULES
Rule 15. Standards for Consumer and Commercial Products

326 IAC 8-15-6 Alternative control plan
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) The purpose of this section is to provide an alternative method to comply with the limits in section 3(a) of this rule by allowing responsible alternative control plan (ACP) parties the option of voluntarily entering into separate ACPs for consumer products as specified in this section. Only responsible ACP parties for consumer products may enter into an ACP.

(b) Any manufacturer of consumer products shall be exempt from the VOC limit requirements of section 3(a) of this rule if they have been granted an ACP agreement by one (1) of the following:

(1) The CARB under the provisions in Subchapter 8.5, Article 4, Sections 9450-94555, of Title 17 of the California Code of Regulations.

(2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with ACP provisions substantially equivalent to the OTC "Model Rule for Consumer Products", September 13, 2006.

(c) An ACP agreement in accordance with subsection (b) shall be valid for use in Indiana when all of the following requirements are met:

(1) The ACP agreement is in effect and has not expired.

(2) The responsible ACP party claiming an exemption in accordance with subsection (b)(1) shall do the following:

(A) Submit to the department the following:

(i) A copy of the CARB ACP decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.

(ii) A statement that all ACP products within the ACP agreement are subject to the VOC limits in section 3(a) of this rule.

(B) Maintain all information specified in the ACP agreement approving an ACP exemption for a minimum of three (3) years after the expiration of the ACP.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The responsible ACP party claiming an exemption in accordance with subsection (b)(2) shall certify to the department the following:

(A) The product (including its form) for which ACP agreement exemption is being used to comply with this rule satisfies the following requirements:

(i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.

(ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the ACP agreement is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) Prior to relying on an ACP agreement for compliance, the responsible ACP party must submit to the department the following information:

(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an ACP agreement rather than meet the applicable VOC content limits in section 3(a) of this rule.

(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).

(iii) A copy of the following:

(AA) The documents setting forth the ACP agreement.

(BB) The issuing state's air pollution control agency's approval.

(CC) The issuing state's air pollution control agency's conditions of approval.

(DD) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.

(EE) Documentation demonstrating compliance with the ACP agreement.

(iv) A statement that the ACP agreement and the product or products for which the ACP agreement is being used conform with the requirements of clause (A) and this clause.

(d) The responsible ACP party shall notify the department, in writing, of any change not later than fifteen (15) working days from the date that a change occurs in an ACP product's:

- (1) name;
- (2) formulation;
- (3) form;
- (4) function;
- (5) applicable product category or categories;
- (6) VOC content;
- (7) LVP content;
- (8) date codes; or
- (9) recommended product usage directions.

(e) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all ACP agreements granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those ACP agreements that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective dates of the limits.

(f) The responsible ACP party shall notify the department, in writing, upon learning that a requirement of subsection (c) is no longer satisfied.

(g) If the ACP agreement does not meet the requirements of subsection (c), the department may revoke the exemption as necessary. (*Air Pollution Control Board; 326 IAC 8-15-6; filed Nov 1, 2010, 12:38 p.m.: 20101201-IR-326070351FRA*)