



# **Draft Proposed Rulemaking** **25 Pa. Code Chapters 121 and 129**

**Control of VOC Emissions from  
Industrial Cleaning Solvents and  
Aerospace Manufacturing and Rework**

**Small Business Compliance Advisory Committee**

**April 27, 2016**

**Harrisburg, PA**

# Overview of Draft Proposed Rulemaking

- The draft Industrial Cleaning Solvents (ICS) proposed rulemaking is based on the U.S. Environmental Protection Agency's (EPA) 2006 Control Techniques Guidelines (CTG) for ICS.
- The CTG provides recommendations for what constitutes reasonably available control technology (RACT) for the control of volatile organic compounds (VOC) from ICS in ozone nonattainment areas and the Ozone Transport Region.
- The recommendations of the 2006 ICS CTG are intended to apply to ICS operations not elsewhere regulated.
- The ICS category includes a variety of products used to remove contaminants such as adhesives, inks, paint, soil, oil and grease.

# Overview of Draft Proposed Rulemaking

- The Department has determined that measures consistent with the recommendations provided in the 2006 ICS CTG are appropriate to be implemented in this Commonwealth as RACT for this category.
- The proposed ICS rulemaking will be submitted to the EPA for approval as a revision to the State Implementation Plan (SIP) upon final-form publication in the *Pennsylvania Bulletin*.

# Overview of Draft Proposed Rulemaking

- February 20, 2014 – Initial draft proposed ICS Annex A presented to AQTAC.
  - AQTAC discussed the applicability threshold of 15 pounds per day, exceptions and exemptions, need for daily recordkeeping, and clarity of language.
  - AQTAC concurred by a vote of 6-4-1.
- April 23, 2014 – Initial draft proposed ICS Annex A presented to SBCAC.
  - SBCAC requested DEP conduct outreach and consider flexibility for small business.
  - SBCAC concurred by a vote of 10-0-0.
- A summary of changes from the 2014 draft proposed Annex A for ICS follows.

# Applicability Threshold

To provide greater flexibility to affected owners and operators and small businesses, the applicability threshold is revised from the 2014 draft proposed Annex A to the current draft proposed Annex A.

- The previous proposed applicability threshold was 15 pounds (6.8 kilograms) of VOC emissions per day, before consideration of controls.
- The current proposed applicability threshold is 2.7 tons (2,455 kilograms) of VOC emissions per 12-month rolling period, before consideration of controls.
- This threshold is consistent with the 2006 ICS CTG; SIP-approved applicability varies based on each State's implementation of the CTG recommendations.
  - New Hampshire - 3 tons per 12-month consecutive period.
  - Maryland - 15 pounds per day.
  - Delaware - 5 tons per year.
  - Ohio - 3 tons per 12-month rolling period.

## ▶ § 129.51. General; § 129.63a(a) Applicability

### **§ 129.51. General.**

- Minor changes for clarity and format.

### **§ 129.63a. Control of VOC emissions from industrial cleaning solvents.**

Certain subsections were moved or reorganized for clarity and format.

- Subsection (a) – Applicability. Minor changes for clarity and format.

# Definitions; Exceptions and Exemptions

- Subsection (b) – Definitions.

- Moved from subsection (d) to subsection (b).
- Minor changes to two definitions for clarity and format:
  - *Cleaning unit operation*–Subparagraph (ii).
  - *Industrial cleaning solvent*.

- Subsection (c) – Exceptions and exemptions.

Exceptions and exemptions are added as follows:

- Digital printing.
- Use or application of *noncomplying* industrial cleaning solvent under the following circumstances:
  - United States Department of Defense, Federal Aviation Administration or other Federal government entity.
  - Screen printing equipment – The as applied VOC content may not exceed 4.2 pounds of VOC per gallon (500 grams per liter) of industrial cleaning solvent.

# Exceptions and Exemptions

- Subsection (c) – Exceptions and exemptions (continued).
  - The VOC emission limitations and work practice requirements do not apply to the owner or operator of a facility subject to subsection (a) if the total combined actual VOC emissions from all subject cleaning unit operations at the facility are less than 2.7 tons (2,455 kilograms) per 12-month rolling period.
  - Less than 2.7 tons per 12-month rolling period averages to less than 15 pounds per day (previous proposed applicability threshold).

## Existing RACT Permit; Compliance Date

- Subsection (d) – Existing RACT permit.
  - Moved from subsection (c) to subsection (d).
  - No changes.
- Subsection (e) – Emissions limitations.
  - The compliance date is revised to be the effective date of adoption of the proposed rulemaking, i.e., the date of final-form publication in the *Pennsylvania Bulletin*.
  - Compliance date will be after January 1, 2017.
  - January 1, 2017, is the deadline prescribed by EPA for the implementation of RACT measures in EPA's final rule for *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements* (80 FR 12279, March 6, 2015).

# VOC Emissions Limitations

- Subsection (e) – Emissions limitations (continued).
  - The VOC emission limitations would apply to the owner or operator of a facility at which the total combined actual VOC emissions from all subject cleaning unit operations are equal to or greater than 2.7 tons (2,455 kilograms) of VOC emissions per 12-month rolling period, before consideration of controls.
  - Compliance options:
    - Use of compliant solvents.
    - Use of VOC emissions capture system and add-on control device.

# VOC Emissions Limitations

- Subsection (e) – Emission limitations (continued).
  - A compliant industrial cleaning solvent must meet one of the following VOC limits:
    - A VOC content less than or equal to 0.42 pounds of VOC per gallon (50 grams of VOC per liter) of industrial cleaning solvent as applied.
    - A VOC composite vapor pressure less than or equal to 8 mm mercury at 68°F (20°C) as applied.
  - The overall VOC emission reduction of the VOC emissions capture system and add-on air pollution control device may be no less than 85% or may be no less than the equivalent efficiency as calculated by the specified equation, whichever is less stringent.

# Work Practices; Compliance Demonstration

- Subsection (f) – Work practice requirements for industrial cleaning solvents, used shop towels and waste materials.
  - Moved from subsection (g) to subsection (f).
  - Minor changes for clarity and format.
- Subsection (g) – Compliance demonstration.
  - Moved from subsection (f) to subsection (g).
  - Demonstration is based on threshold of 2.7 tons of VOC emissions per 12-month rolling period.
  - Minor changes for clarity and format.

# Recordkeeping and Reporting Requirements

- Subsection (h) – Recordkeeping and reporting.
  - Recordkeeping is based on threshold of 2.7 tons of VOC emissions per 12-month rolling period.
  - Recordkeeping for complying solvents changed from daily to monthly.
  - Recordkeeping requirements added for exemptions for use of noncomplying solvents for Federal government entities and for screen printing equipment.
  - Recordkeeping for solvent usage below 2.7 tons of VOC emissions per 12-month rolling period shall be monthly and sufficient to demonstrate that usage remains below the applicability threshold for control.
  - Records maintained *onsite* for 2 years unless a longer period is required under Chapter 127 or a plan approval, operating permit, *consent decree* or order issued by the Department.
  - Minor changes for clarity and format.

# Vapor Pressure; ASTM Method References

- Subsection (i) – Composite vapor pressure.
  - An appropriate and current ASTM test method or other test method that provides acceptable results with prior written approval from the Department and the EPA.
- Subsection (j) – Vapor pressure of single component compound.
  - An appropriate and current ASTM test method with prior written approval from the Department and the EPA.
  - Recent edition of specified technical sources.
- Subsection (k) – ASTM method references.
  - Minor changes for clarity and format.

# Aerospace Manufacturing and Rework

The draft proposed Annex A includes revisions to § 129.73 (relating to aerospace manufacturing and rework) to amend a numbering error in Table II (relating to allowable content of VOCs in aerospace coatings).

- The limit for the high-temperature coating category (Table II (20(a))) was incorrectly promulgated on April 10, 1999, as a subset of the fuel-tank coating category (Table II (20)). (29 *Pa. B.* 1879)
- The high-temperature coating category is amended to renumber it to (21), with appropriate renumbering to the successive categories in Table II.

# Recommended Public Participation Process

The Department will recommend that the Environmental Quality Board provide the following:

- A 60-day public comment period for the submission of written comments.
- Three public hearings at DEP Regional Offices in Norristown, Harrisburg and Pittsburgh, PA.

# Anticipated Rulemaking Schedule

- AQTAC  
February 11, 2016
- SBCAC  
April 27, 2016
- EQB – Proposed Rulemaking  
July 2016
- *Pennsylvania Bulletin* – Publication of Proposed Rulemaking  
September 2016
- Close of Public Comment Period  
November 2016

## SBCAC Action

- The Department is requesting SBCAC's concurrence with the Department's recommendation to move the industrial cleaning solvents proposed rulemaking forward to the Environmental Quality Board for consideration.
  
- Questions?



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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