

**PROPOSED RULEMAKING  
ENVIRONMENTAL QUALITY BOARD  
[25 PA CODE CH. 129]**

**Control of VOC Emissions from Fiberglass Boat Manufacturing Materials**

The Environmental Quality Board (Board) proposes to amend Chapter 129 (relating to standards for sources) to read as set forth in Annex A. The proposed rulemaking would amend Chapter 129 to add § 129.74 (relating to control of VOC emissions from fiberglass boat manufacturing materials) to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for stationary sources of volatile organic compound (VOC) emissions from fiberglass boat manufacturing materials including open molding resins, gel coats and cleaning materials. The proposed rulemaking would also add terms and definitions to § 129.74 to support the interpretation of the proposed measures.

This proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following promulgation of the final-form regulation.

This notice is given under Board order at its meeting of May 21, 2014.

*A. Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

*B. Contact Persons*

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Search/Keyword: EQB).

*C. Statutory Authority*

The proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 5(a)(8) of the APCA also grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

#### D. Background and Purpose

The purpose of this proposed rulemaking is to implement control measures to reduce VOC emissions from fiberglass boat manufacturing materials including open molding resin, gel coat and cleaning materials. VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere by fiberglass boat manufacturing materials including open molding resin, gel coat and cleaning materials, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NO<sub>x</sub>) in the presence of sunlight. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), the proposed rulemaking establishes the VOC emission limitations and other requirements of the EPA 2008 Fiberglass Boat Manufacturing Materials Control Techniques Guidelines (CTG) for these sources in this Commonwealth. See *Consumer and Commercial Products, Group IV: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives*, 73 FR 58481, 58483 (October 7, 2008).

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ground-level ozone, particulate matter, NO<sub>x</sub>, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and welfare.

Ground-level ozone is a highly reactive gas, which at sufficiently high concentrations can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, animal health, vegetation, materials, economic values and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ozone pollution may cause a variety of adverse health effects for both healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation, and congestion. It can worsen bronchitis, heart disease, emphysema and asthma and reduce lung capacity. Asthma is a significant and growing threat to children and adults. High levels of ground-level ozone affect animals in ways similar to humans. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards at a level of 0.08 part per million (ppm) averaged over 8 hours. See 62 FR 38855 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. Based on preliminary data for the 2013 ozone season, all monitored areas of the Commonwealth are attaining the 1997 8-hour ozone NAAQS. The Department must ensure that the

1997 ozone standard is attained and maintained by implementing permanent and enforceable control measures to ensure violations of the standard do not occur for the next decade.

In March 2008, the EPA lowered the standard to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in Pennsylvania as nonattainment for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of the following counties: Allegheny, Armstrong, Berks, Beaver, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland. The Commonwealth must ensure that these areas attain the 2008 ozone standard by 2015 and that they continue to maintain the standard thereafter.

There are no Federal statutory or regulatory limits for VOC emissions from fiberglass boat manufacturing materials. In 2001, however, the EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, 40 CFR Part 63, Subpart VVVV (relating to National emission standards for hazardous air pollutants for boat manufacturing) (2001 NESHAP), set forth at 40 CFR 63.5680—63.5779. The 2001 NESHAP established organic hazardous air pollutant (HAP) emissions limits based on low-HAP resins and gel coats and low-emitting resin application technology. Many HAPs are VOCs, but not all VOCs are HAPs. The 2001 NESHAP data, however, indicate that styrene and methyl methacrylate (MMA), which are both organic HAP and VOC, account for nearly all the VOC emissions, as well as HAP emissions, from fiberglass boat manufacturing facilities. Therefore, total HAP and VOC emissions from fiberglass boat manufacturing facilities are nearly equal.

When developing the VOC emission reduction RACT measures included in its Fiberglass Boat Manufacturing Materials CTG, the EPA took into account the HAP emission reduction measures of the 2001 NESHAP for the boat manufacturing industry. The requirements of the 2001 NESHAP apply to "major sources" of HAP from boat manufacturing operations. For the purpose of regulating HAPs, a "major source" is considered to be a stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) of any single listed HAP or 25 tpy of any combination of HAPs. See section 112(a)(1) of the CAA (42 U.S.C.A. § 7412(a)(1)); see also 61 FR 27133 (May 30, 1996).

State regulations to control VOC emissions from fiberglass boat manufacturing materials are required under Federal law and will be reviewed and approved by the EPA if the provisions meet the RACT requirements of the CAA and its implementing regulations. See *Consumer and Commercial Products, Group IV: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives*, 73 FR 58481, 58483. The EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." See *State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Control Techniques Guidelines)*, 44 FR 53761 (September 17, 1979).

Section 172(c)(1) of the CAA (42 U.S.C.A. § 7502(c)(1)) provides that SIPs for nonattainment areas must include “reasonably available control measures,” including RACT, for sources of emissions. Section 182(b)(2) of the CAA (42 U.S.C.A. § 7511a(b)(2)) provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area’s date of attainment. More importantly, section 184(b)(1)(B) of the CAA (42 U.S.C.A. § 7511c(b)(1)(B)) requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA (42 U.S.C.A. § 7511b(e)(3)(C)) further provides that the EPA may issue a CTG document in place of a National regulation for a product category where the EPA determines that the CTG will be “substantially as effective as regulations” in reducing emissions of VOC in ozone nonattainment areas. In 1995, the EPA listed fiberglass boat manufacturing on its section 183(e) list and, in 2008, the EPA issued a CTG for this product category. See 60 FR 15264, 15267 (March 23, 1995) and 73 FR 58481; *Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials*, EPA 453/R-08-004, Office of Air Quality Planning and Standards, EPA, September 2008. The Fiberglass Boat Manufacturing Materials CTG is available on the EPA website at: [www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html](http://www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html).

In the 2008 notice of final determination and availability of final Control Techniques Guidelines, the EPA determined that the recommendations of the Fiberglass Boat Manufacturing Materials CTG would be substantially as effective as National regulations in reducing VOC emissions from the fiberglass boat manufacturing materials product category in ozone nonattainment areas. See 73 FR 58481. The CTG provides states with the EPA’s recommendation of what constitutes RACT for the covered category. States can use the federal recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies may implement other technically-sound approaches that are consistent with the CAA requirements and the EPA’s implementing regulations or guidelines.

The Department reviewed the recommendations included in the 2008 Fiberglass Boat Manufacturing Materials CTG for their applicability to the ground-level ozone reduction measures necessary for this Commonwealth. The Bureau of Air Quality has determined that the measures provided in the Fiberglass Boat Manufacturing Materials CTG are appropriate to be implemented in this Commonwealth as RACT for this category.

This proposed rulemaking would affect the owner and operator of one known Title V major facility in this Commonwealth. The Board anticipates that the affected owner of the facility would demonstrate compliance with the proposed measures to reduce VOC emissions because this facility is already subject to the 2001 NESHAP HAP emission control requirements. These NESHAP provisions are applicable requirements in the Federally-enforceable Title V permit

issued by the Department to the owner and operator on January 23, 2008. It is possible that the proposed rulemaking would also affect owners and operators of other fiberglass boat manufacturing facilities that have not yet been identified, because the 2001 NESHAP does not apply to area sources (that is, sources that emit less than 10 tpy of any single listed HAP or less than 25 tpy of any combination of HAPs). Owners and operators of area source fiberglass boat manufacturing facilities are, therefore, not currently required to implement the HAP-reduction measures provided in the 2001 NESHAP, which are also included in the 2008 Fiberglass Boat Manufacturing Materials CTG as measures for reducing emissions of VOCs from sources that meet the applicability threshold recommended by the EPA in the CTG.

The ground-level ozone reduction measures included in this proposed rulemaking would achieve VOC emission reductions locally and would also reduce the transport of VOC emissions and ground-level ozone to downwind states, if implemented for potentially unidentified existing sources of VOC emissions from fiberglass boat manufacturing operations including open molding resin and gel coat materials that are not currently controlled in the Commonwealth. Adoption of VOC emission requirements for fiberglass boat manufacturing materials is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS.

The proposed rulemaking is required under the CAA and is reasonably necessary to attain and maintain the health- and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. If published as a final-form regulation in the *Pennsylvania Bulletin*, this proposed rulemaking will be submitted to the EPA as a revision to the Commonwealth's SIP.

The proposed rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on December 12, 2013. The AQTAC voted unanimously to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration. The proposed rulemaking was discussed with the Small Business Compliance Advisory Committee (SBCAC) on April 23, 2014. The SBCAC also voted unanimously to forward the proposed rulemaking to the Board for consideration. The proposed rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight (PRO) Committee on March 12, 2014. On the recommendation of the PRO Committee, on March 18, 2014, the CAC concurred with the Department's recommendation to forward the proposed rulemaking to the Board.

#### E. *Summary of Regulatory Requirements*

##### § 129.74. Control of VOC emissions from fiberglass boat manufacturing materials.

Under proposed subsection (a), the proposed rulemaking would apply statewide to the owner and operator of a facility that manufactures a hull or a deck of a boat or a related part from fiberglass, builds a mold or plug to make a fiberglass boat hull or deck or related part, or makes polyester resin putties for assembling fiberglass boat parts, when the total actual VOC emissions from fiberglass boat manufacturing operations identified in Table I are equal to or greater than 15

pounds (6.8 kilograms) per day or 2.7 tons per 12-month rolling period, before consideration of controls. The total actual VOC emissions include the actual VOC emissions from the manufacture of hulls or decks from fiberglass, fiberglass boat parts (including small parts such as hatches, seats and lockers), molds or plugs for fiberglass hulls, decks or boat parts, resin and gel coat mixing operations, resin and gel coat application equipment and related cleaning activities at the facility. As with all RACT regulations, an owner or operator remains subject to the regulation even if the throughput or VOC emissions fall below the applicability threshold.

Proposed subsection (a) also specifies that the proposed rulemaking would not apply to the owner and operator of a facility that manufactures boat trailers or parts of boats, such as hatches, seats and lockers, but does not manufacture hulls or decks of boats from fiberglass or build molds to make fiberglass boat hulls or decks. Further, proposed subsection (a) establishes monomer VOC content limits for open molding resin and gel coat materials.

Under proposed subsection (b), the proposed regulation establishes 39 definitions to support the proposed rulemaking.

Under proposed subsection (c) exceptions are established for certain operating circumstances.

Under proposed subsection (d), the requirements of this proposed rulemaking supersede the requirements of a RACT permit issued to an owner and operator of a source subject to this section, except to the extent the RACT permit contains more stringent requirements.

Under proposed subsection (e), the owner and operator of a facility subject to this section shall comply with the applicable requirements on the effective date of adoption of this proposed rulemaking.

Under proposed subsection (f), the owner and operator of a facility subject to this section may not cause or permit the emission into the outdoor atmosphere of monomer VOCs from an open molding resin or gel coat fiberglass boat manufacturing operation, a resin or gel coat mixing operation, or a resin or gel coat application equipment cleaning operation unless one or more of the specified limitations is met. Three options for meeting the emission limits are proposed: use of compliant materials as listed in Table I; monomer VOC emissions averaging; or installation of a VOC emissions capture system and add-on air pollution control device.

Under proposed subsection (g), the owner and operator of a facility subject to this section opting to install a VOC emissions capture system and add-on air pollution control device must obtain a plan approval prior to installation and operation of the VOC emissions capture system and add-on air pollution control device.

Under proposed subsection (h), the owner and operator of a facility subject to this section may use an adjusted monomer VOC emission rate for filled production resins and filled tooling resins in each of the options specified in subsection (f).

Under proposed subsection (i), the monomer VOC content of an open molding resin, gel coat, filled production resin or filled tooling resin material not included in an emissions averaging

option in subsection (f)(2) shall meet the monomer VOC content requirements of subsection (f)(1) or the add-on air pollution control requirements of subsection (f)(3).

Under proposed subsection (j), alternative requirements for control of monomer VOC content for certain resin and gel coat materials are established.

Under proposed subsection (k), work practices for resin and gel coat materials are established.

Under proposed subsection (l), VOC content limits and work practices for cleaning materials are established.

Under proposed subsection (m), compliance and monitoring requirements are established.

Under proposed subsection (n), sampling and testing standards are established.

Under proposed subsection (o), recordkeeping requirements are established.

Under proposed subsection (p), reporting requirements are established.

#### *F. Benefits, Costs and Compliance*

##### Benefits

Implementation of the VOC emission control measures in the proposed rulemaking would benefit the health and welfare of the approximately 12 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure. Reduced ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

This proposed rulemaking is designed to adopt the standards and recommendations in the EPA's 2008 Fiberglass Boat Manufacturing Materials CTG to meet the requirements of CAA sections 172(c)(1), 182(b)(2) and 184(b)(1)(B) (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2) and 7511c(b)(1)(B)). The proposed rulemaking would apply the CTG's standards and recommendations across this entire Commonwealth, as required by CAA section 184(b)(1)(B).

The statewide implementation of the proposed rulemaking control measures would assist the Department in reducing VOC emissions from fiberglass boat manufacturing operations locally, and reducing the resultant local formation of ground-level ozone and transport of VOC emissions

and ground-level ozone to downwind states. Statewide implementation would also facilitate implementation and enforcement of the proposed rulemaking within this Commonwealth. The measures in the proposed rulemaking are reasonably necessary to attain and maintain the health- and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

The proposed rulemaking may create economic opportunities for VOC emission control technology innovators, manufacturers, and distributors through an increased demand for new or improved equipment. In addition, the owners and operators of regulated facilities may be required to install and operate an emissions monitoring system or equipment necessary for an emissions monitoring method in order to comply with the rulemaking, thereby creating an economic opportunity for the emissions monitoring industry.

### Compliance Costs

The Board does not anticipate additional costs from these proposed VOC emission reduction measures for the owner and operator of this Title V facility which is already subject to the EPA's 2001 NESHAP HAP emission control requirements. These applicable requirements are incorporated in the Federally-enforceable Title V permit issued by the Department to the owner and operator on January 23, 2008. Therefore there would be no additional compliance costs to the owner and operator of this source from implementation of this proposed rulemaking. It is possible that the proposed rulemaking would also affect owners and operators of other fiberglass boat manufacturing facilities that have not yet been identified, because the HAP emission reduction measures of the 2001 NESHAP do not apply to the owners and operators of area sources (that is, sources that emit less than 10 tpy of any single listed HAP or less than 25 tpy of any combination of HAPs). Owners and operators of area source fiberglass boat manufacturing facilities are, therefore, not currently required to implement the HAP emission reduction measures provided in the 2001 NESHAP, which are also included in the 2008 Fiberglass Boat Manufacturing Materials CTG as measures for reducing emissions of VOCs from sources that meet the applicability threshold recommended by the EPA in the CTG.

The owner and operator of a facility that is not subject to the 2001 NESHAP that would be subject to the proposed rulemaking would be expected to incur little, if any, cost to implement the requirements of the proposed rulemaking. The proposed rulemaking provides as one compliance option the use of individually-compliant resin and gel coat materials in subsection (f)(1), and requires the use of compliant cleaning solvents in subsection (l). Open molding resin, gel coat and cleaning materials that are compliant with the HAP content limits set forth in the 2001 NESHAP and with the proposed rulemaking VOC content limits set forth in subsection (a) are readily available to all sizes of facilities. Further, the industry has experienced a shift to non-atomizing resin application methods that are required to comply with the HAP emission reduction requirements set forth in the 2001 NESHAP and which are included in the proposed rulemaking. This shift has occurred at all sizes of facilities across the U.S. because of the productivity and economic benefits of using non-atomizing methods over conventional atomizing methods.

The proposed rulemaking would provide flexibility by allowing compliance through averaging the VOC emission rates of open molding resin and gel coat materials in subsection (f)(2) in addition to choice of application technology. A third compliance option, the use of a VOC emissions capture system and add-on air pollution control device, is provided in subsection (f)(3). However, because of the wide availability and lower cost (compared to add-on controls) of compliant VOC content materials and alternative application methods, compliant materials and methods are generally used to reduce VOC emissions from fiberglass boat manufacturing facilities.

Emission limitations established by this proposed rulemaking would not require the submission of applications for amendments to existing operating permits. These requirements would be incorporated as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term.

New legal, accounting or consulting procedures would not be required.

#### Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the proposed requirements and how to comply with them. This would be accomplished through the Department's ongoing compliance assistance program. The Department would also work with the Small Business Assistance Program to aid the facilities less able to handle permitting matters with in-house staff.

#### Paperwork Requirements.

The owner and operator of an affected fiberglass boat manufacturing source would be required to keep records of information for open molding resin and gel coat materials and cleaning materials, as applicable, sufficient to demonstrate compliance with the requirements of this section. The proposed rulemaking would require monthly records of certain VOC content information or composite vapor pressure, as applicable. Records of calculations performed for each applicable requirement under subsections (f), (h) and (j), would be required, as well as records of the sampling and testing performed in accordance with subsection (n). The records required in the proposed rulemaking must be maintained for 2 years unless a longer period is specified by a plan approval or operating permit issued under Chapter 127 and submitted to the Department in an acceptable format upon receipt of a written request.

#### *G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with

greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking would help ensure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from fiberglass boat manufacturing open molding resin, gel coat and cleaning materials. Although the proposed rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of low-VOC content open molding resin and gel coat materials, and low-VOC content or low vapor pressure cleaning materials, to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The reduced levels of high VOC- and HAP-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC- and HAP-content solvents leaching into the ground.

The proposed rulemaking provides as one compliance option that open molding resin and gel coat used in fiberglass boat manufacturing processes in this Commonwealth would meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents, and that they be applied using specified application methods. Further, the proposed rulemaking would require the owner and operator of a source subject to this section to ensure that resin and gel coat containers with a capacity equal to or greater than 55 gallons (208 liters), including those used for on-site mixing of putties and polyputties, have a cover in place at all times with no visible gaps, except when materials are being manually added or removed from a container or when mixing equipment is being placed in or removed from a container.

The proposed rulemaking additionally requires the use of low-VOC content or low vapor pressure cleaning materials, and work practice standards for the storage and handling of cleaning materials. The proposed rulemaking would also require the owner and operator of a source subject to this section to ensure that the VOC content of cleaning materials used for routine application equipment cleaning is equal to or less than 5% by weight or has a composite vapor pressure equal to or less than 0.50 mmHg at 68°F and use only non-VOC-containing solvent to remove cured resin or gel coat residue from application equipment.

#### *H. Sunset Review*

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on \_\_\_\_\_, 2014, the Department submitted a copy of the proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the House and Senate Committees

with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*J. Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board. Comments, suggestions or objections must be received by the Board by **DATE**. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by **DATE**. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by mail or express mail as follows. Comments may be submitted online to the Board by accessing the Board's Regulatory Comment System at <http://www.ahs.dep.pa.gov/RegComments>. If an acknowledgement of comments submitted online is not received by the sender within 2 business days, the comments should be retransmitted to the Board to ensure receipt. Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301. Comments submitted by facsimile will not be accepted.

*K. Public Hearings*

The Board will hold \_\_\_ public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at \_\_\_ p.m. on the following dates:

\_\_\_\_\_ (blank) \_\_\_\_\_

\_\_\_\_\_ (blank) \_\_\_\_\_

\_\_\_\_\_ (blank) \_\_\_\_\_

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10

minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

By:

E. Christopher Abruzzo  
Chairman