

Executive Summary
Amendments to 25 Pa. Code Chapter 129
Control of VOC Emissions from Fiberglass Boat Manufacturing Materials

The Department of Environmental Protection (Department) recommends final-form amendments to Chapter 129 (relating to standards for sources) for consideration by the Environmental Quality Board (Board). The final-form rulemaking adds § 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. The final-form rulemaking also adds terms and definitions to § 129.74 to support the interpretation of the final-form rulemaking measures.

Summary and Purpose of the Final-form Rulemaking

The final-form rulemaking amends Chapter 129 to limit emissions of VOCs from fiberglass boat manufacturing materials including open molding resins, gel coats and cleaning materials. VOCs are precursors to the formation of ground-level ozone air pollution. The final-form rulemaking establishes VOC emission limits and other requirements consistent with the reasonably available control technology (RACT) recommendations of the United States Environmental Protection Agency's (EPA) 2008 Fiberglass Boat Manufacturing Materials Control Technique Guidelines (CTG) for these sources in this Commonwealth.

In accordance with Section 4.2 of the Pennsylvania Air Pollution Control Act, 35 P.S. §4004.2(a), the VOC emission reduction measures set forth in the final-form rulemaking are reasonably required to attain and maintain the 8-hour National Ambient Air Quality Standards for ozone and to satisfy related Clean Air Act requirements. The final-form rulemaking, if published as a final-form regulation in the *Pennsylvania Bulletin*, will be submitted to the EPA as a revision to the State Implementation Plan.

Affected Parties

This final-form rulemaking applies to the owner and operator of fiberglass boat manufacturing facilities. DEP is currently aware of one Title V facility in this Commonwealth that would be subject to the final-form RACT requirements. The facility, VEC Technology, LLC, Greenville, PA, is a major source of hazardous air pollutants (HAP) regulated under the EPA's 2001 National Emission Standards for Hazardous Air Pollutants (2001 NESHAP) for Boat Manufacturing. 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. DEP believes that no additional VOC emission reductions would be achieved at this facility due to its compliance with the Title V permit requirements. Therefore, there would be no additional costs to the owner and operator of this source to demonstrate compliance with this final-form rulemaking.

If the final-form rulemaking applies to the owners and operators of other fiberglass boat manufacturing facilities that have not yet been identified, they would likely incur little, if any, cost to implement the final-form requirements. Compliant materials are readily available to the owners and operators of all sizes of facilities and are widely used in the industry.

Advisory Groups

On November 7, 2014, the Air Quality Technical Advisory Committee (AQTAC) was briefed on the final-form rulemaking and comments received, and they had no concerns. AQTAC voted to concur with DEP's recommendation to move the final-form rulemaking forward to the EQB for consideration. The final-form rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee on February 20, 2015. This Committee had no concerns. At the CAC's March 17, 2015, meeting, the Policy and Regulatory Oversight Committee recommended moving the final-form rulemaking forward to the EQB. CAC concurred with the Committee's recommendation. The draft final-form rulemaking was discussed with the Small Business Compliance Advisory Committee (SBCAC) on January 28, 2015. The SBCAC voted to concur with DEP's recommendation to forward the final-form rulemaking to the EQB.

Public Comments and Board Hearings

The Board approved publication of the proposed rulemaking at its meeting of May 21, 2014. The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 19, 2014, with a 66-day public comment period (44 Pa.B. 4502). Three public hearings were held on August 19, 20, and 21, 2014, in Pittsburgh, Norristown, and Harrisburg, PA, respectively. The public comment period closed on September 22, 2014. Comments were received from the Pennsylvania State Association of Township Supervisors (PSATS) and the Independent Regulatory Review Commission (IRRC). The comments from PSATS were generally supportive and did not require any changes to the final-form rulemaking. IRRC requested clarification of the frequency of sampling and testing in subsection (n). The Department has revised the final-form rulemaking to address this comment.