

Executive Summary

Amendments to 25 Pa. Code Chapters 121 and 129

Control of VOC Emissions from Flat Wood Paneling Surface Coating Processes

Purpose of the Final-form Rulemaking

The Department of Environmental Protection recommends final-form amendments to 25 Pa. Code Chapters 121 and 129 (relating to general provisions; and standards for sources) for consideration by the Environmental Quality Board (Board) to limit emissions of volatile organic compounds (VOCs), which are precursors for ground-level ozone formation, from the use and application of inks, coatings, adhesives and cleaning materials in flat wood paneling surface coating processes. The final amendments add § 129.52c (relating to control of VOC emissions from flat wood paneling surface coating processes) and revise §§ 121.1, 129.51 and 129.66 (relating to definitions; general; and compliance schedules and final compliance dates).

The final-form rulemaking adopts the emission limits and other requirements of the U.S. Environmental Protection Agency's (EPA) 2006 Control Techniques Guidelines (CTGs) for flat wood paneling surface coatings in order to meet Federal Clean Air Act (CAA) requirements. The final-form rulemaking will assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for flat wood paneling surface coating processes is part of the Commonwealth's strategy, in concert with other Ozone Transport Region (OTR) jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR in order to attain and maintain the 8-hour ozone National Ambient Air Quality Standard (NAAQS). These final-form amendments will provide an approximate range of 6 to 22 tons per year of additional VOC emission reductions in this Commonwealth. The final-form rulemaking is reasonably necessary to attain and maintain the 8-hour ozone NAAQS throughout this Commonwealth and, if adopted as final regulation, will be submitted to the EPA as a revision to the State Implementation Plan (SIP).

Summary of the Final-form Rulemaking

The final-form amendments add 18 new terms and definitions to § 121.1 to support the final-form addition of § 129.52c.

The final-form rulemaking amends § 129.51(a) to extend its coverage to flat wood paneling surface coating processes covered by this final-form rulemaking. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The final-form rulemaking adds § 129.52c to regulate VOC emissions from flat wood paneling surface coating processes.

Final-form subsection (a) establishes that § 129.52c applies if the total actual VOC emissions from all surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day, before consideration of controls.

Final-form subsection (a) further provides that § 129.52c does not apply to a field-applied coating process, a coating process regulated under §§ 129.101-129.107 (relating to wood furniture manufacturing operations) or a coating process regulated under §§ 129.52(f) and 129.52, Table I, Category 11 (relating to surface coating processes; and wood furniture manufacturing operations).

Final-form subsection (b) explains that the requirements of § 129.52c supersede the requirements of a Reasonably Available Control Technology (RACT) permit already issued to the owner or operator of a source subject to § 129.52c, except to the extent the RACT permit contains more stringent requirements.

Final-form subsection (c) establishes VOC emission limits beginning January 1, 2012. The final-form rulemaking adds under paragraph (1) a new subparagraph (ii), which specifies that the VOC content requirement of Table I for all materials used on a single process line can be met by using a daily, weighted-average approach. The equation to calculate the weighted average is also added in the new subparagraph (ii).

Final-form subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52c.

The final-form rulemaking amends proposed subsection (e) to require that the records be maintained for 2 years unless a longer period is required by 25 *Pa. Code* § 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements). Additionally, subsection (e) has been amended at final to clarify that records shall be submitted to the Department upon receipt of a written request.

The final-form rulemaking amends subsection (f) to add additional coating application methods.

Final-form subsection (g) exempts certain types of coatings and coating processes from the final-form VOC content coating limits.

Final-form subsection (h) establishes work practice requirements that an owner or operator of a surface coating process subject to § 129.52c must comply with for coating-related activities.

Final-form subsection (i) establishes work practice requirements that an owner or operator of a surface coating process subject to § 129.52c must comply with for cleaning materials.

Final-form Table I (relating to emission limits of VOCs for flat wood paneling surface coatings) establishes emission limits for VOCs for five types of flat wood paneling surface coatings, expressed in weight of VOC per volume of coating solids (pounds per gallon or grams per liter), as applied.

The final-form rulemaking amends § 129.66 (relating to compliance schedules and final compliance dates) to extend coverage to surface coating operations including: large appliance and metal furniture; paper, film and foil; and flat wood paneling.

Affected Parties

This Commonwealth has 10 flat wood paneling surface coating facilities potentially subject to the final-form rulemaking, which collectively emitted 248 tons of VOC emissions in 2009. The largest emitting facility indicated that their anticipated reductions from possibly noncomplying surface coating operations would range from 5.3 to 9 tons per year. Should the largest facility average the VOC contents within a single surface coating process line, the facility may not have any noncompliant surface coating processes, and no additional emission reductions would be required at that facility. Based upon that assumption, the maximum anticipated additional annual VOC emission reductions as a result of this final-form rulemaking, assuming all emissions at the remaining nine facilities are from noncomplying flat wood paneling surface coating processes, range from approximately 5 tons (26 tons x 20%) if all subject processes are for interior paneling to 21 tons (26 tons x 80%) if all subject processes are for exterior siding. The estimated total annual cost range to the regulated industry of \$9,500 (5 tons VOC emissions reduced x \$1900/ton reduced) to \$54,600 (21 tons VOC emissions reduced x \$2600/ton reduced) is negligible compared to the improved public health and environmental benefits that will be gained from this final-form rulemaking.

Advisory Groups

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 17, 2010. The AQTAC concurred with the Department's recommendation to move the final-form rulemaking forward to the Board. The AQTAC letter of concurrence is included with the regulatory package. The Department also consulted with the Citizens Advisory Council and the Small Business Compliance Advisory Committee on July 28, 2010.

Public Comment Period and Board Hearings

The Board approved publication of the proposed rulemaking at its meeting of September 15, 2009. The proposed rulemaking was published in the *Pennsylvania Bulletin* on October 17, 2009, with a 66-day public comment period (39 *Pa.B.* 6061). Three public hearings were held on November 17, 19 and 20, 2009, in Harrisburg, Norristown and Pittsburgh, PA, respectively. The public comment period closed on December 21, 2009.