

**Executive Summary**  
**Final-form Amendments to 25 Pa. Code Chapter 129**  
**Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating**  
**Operations and Heavier Vehicle Coating Operations**

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 rulemaking adds § 129.52e (relating to control of VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations) to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for stationary sources of volatile organic compound (VOC) emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations. The final rulemaking includes terms and definitions in § 129.52e to support the interpretation of the final-form measures and amends § 129.51 (relating to general) to support the addition of § 129.52e.

**Summary and Purpose of the Final Rulemaking**

The final rulemaking amends Chapter 129 to limit emissions of VOCs from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations. VOCs are precursors to the formation of ground-level ozone, a public health and welfare threat. State regulations to control VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations, as well as the VOC emissions from related cleaning activities, are required under Federal law. The final rulemaking establishes VOC emission limits and other requirements consistent with the RACT recommendations issued by the U.S. Environmental Protection Agency (EPA) in the 2008 Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings (2008 ALDT CTG). The RACT recommendations included in the 2008 ALDT CTG are largely based on the VOC emission limitations of the Federal 1980 New Source Performance Standards, the hazardous air pollutant emission reduction measures of the Federal 2004 National Emission Standards for Hazardous Air Pollutants for these source categories, the 1977 EPA CTG document entitled "Control of Volatile Organic Emissions from Existing Stationary Sources Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks," and information provided to the EPA in 2006 and 2007 by the Alliance of Automobile Manufacturers, an industry trade association representing the majority of these facilities, from its member companies.

Consistent with Section 4.2(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. §4004.2(a), the VOC emission reduction measures set forth in the final rulemaking are reasonably required to achieve and maintain the health-based and welfare-based 8-hour ground-level ozone National Ambient Air Quality Standards and to satisfy related CAA requirements in this Commonwealth. The final rulemaking, if published as a final-form regulation in the *Pennsylvania Bulletin*, will be submitted to the EPA for approval as a revision to the Commonwealth's State Implementation Plan (SIP) if the provisions meet the RACT requirements of the Clean Air Act (CAA) and its implementing regulations.

## **Affected Parties**

The final rulemaking applies to the owner and operator of:

- An automobile and light-duty truck assembly coating operation that applies an automobile assembly coating or a light-duty truck assembly coating, or both, to a new automobile body or a new light-duty truck body; or a body part for a new automobile or for a new light-duty truck; or another part that is coated along with the new automobile body or body part or new light-duty truck body or body part.
- An automobile and light-duty truck assembly coating operation that operates a separate coating line at the facility on which a coating is applied to another part intended for use in a new automobile or new light-duty truck or an aftermarket repair or replacement part for an automobile or light-duty truck if the owner or operator elects to comply with this section instead of § 129.52d, which is being promulgated in a concurrent rulemaking.
- A facility that coats a body or body part for new heavier vehicles if the owner or operator elects to comply with this section instead of § 129.52d.
- A facility that performs a coating operation subject to this section on a contractual basis.

The Department identified 13 facilities whose owners and operators may be subject to the final rulemaking. The owners and operators of 12 of these 13 facilities manufacture or surface coat, or both, bodies or body parts for new heavier vehicles such as fire trucks, ambulances and tow trucks and will only be subject to this final rulemaking if they elect to comply with this rulemaking instead of the final rulemaking for § 129.52d. The owner and operator of the remaining facility may potentially be subject based on previous surface coating operations.

The owners and operators of as many as ten of these facilities may emit 15 pounds (6.8 kilograms) or more of total actual VOC emissions per day, including VOC emissions from related cleaning activities, before consideration of controls, and will likely be required to implement the final VOC emission control measures, work practice standards, a written work practice plan for cleaning materials, compliance monitoring and daily recordkeeping requirements, and to submit records to DEP upon receipt of a written request. The owners and operators of the remaining three identified facilities likely emit less than 15 pounds (6.8 kilograms) per day of total actual VOC emissions, including VOC emissions from related cleaning activities, before consideration of controls, and will be subject only to the compliance monitoring and daily recordkeeping requirements and, if requested by the Department, the reporting requirements of the final rulemaking.

The Pennsylvania Small Business Development Center's (SBDC) Environmental Management Assistance Program (EMAP) reviewed the list of 13 facilities identified by the Bureau of Air Quality and determined that the owners and operators of these 13 facilities meet the small business-size criteria for this industry. In addition to the facilities identified by the Department, the SBDC EMAP also provided the Bureau of Air Quality with a list of 48 small business-sized facilities in this Commonwealth that may potentially be subject to the final rulemaking measures. The owners and operators of as many as 37 of these facilities may have actual VOC emissions at or above the 15 pounds (6.8 kilograms) or more of total actual VOC emissions per day, including VOC emissions from related cleaning activities, before consideration of controls, and will likely be required to implement VOC emission control measures, work practice standards, and compliance monitoring and daily recordkeeping requirements, and to submit records to the

Department upon receipt of a written request. The owners and operators of the remaining 11 facilities with actual VOC emissions below the 15 pounds (6.8 kilograms) or more of total actual VOC emissions per day, including VOC emissions from related cleaning activities, before consideration of controls, will be subject only to the compliance monitoring and daily recordkeeping requirements and, if requested by the Department, the reporting requirements of the final rulemaking.

The difference in projected number of facilities with actual VOC emissions equal to or more than 15 pounds (6.8 kilograms) per day, including VOC emissions from related cleaning activities, before consideration of controls, between the Department's list of ten potentially affected permitted facilities and the SBDC EMAP's list of 37 potentially affected small business-sized facilities is likely due to the Department's database being for the owners and operators of previously and currently permitted facilities based on regulatory criteria for acquiring a permit, while the SBDC EMAP list is based on owners and operators self-reporting business information for their small business-sized facilities without considering the level of VOC emissions.

Implementation of the recommended control measures could generate reductions of as much as 111 tons of VOC emissions per year from the ten facilities identified by the Department, and reductions of as much as 413 tons per year from the 37 potentially subject small business-sized facilities identified by the SBDC EMAP, depending on the level of compliance already being achieved by these facilities. The Department estimates that the range of cost effectiveness to the regulated industry for implementing the final rulemaking is \$941/ton of VOC emissions reduced to \$1,758/ton of VOC emissions reduced on an annual basis. The range of cost per regulated facility for implementing the final VOC emission control measures is estimated to be \$10,500 to \$19,623 per year per facility on an annual basis. The Department expects that the annual costs to the regulated industry will be at the lower end of these ranges because low-VOC content coating materials are readily available at a cost that is not significantly greater than the high-VOC content coatings they replace as a result of the development of NSPS-compliant low-VOC content and NESHAP-compliant low-HAP content coating and cleaning materials, since lower HAP content usually means lower VOC content.

It is possible that the owners and operators of additional facilities that have not been identified could be subject to the final rulemaking control measures. If so, these owners and operators 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 affected industry sectors.

### **Advisory Groups**

On February 11, 2016, the Department briefed the Air Quality Technical Advisory Committee (AQTAC) on the draft final-form regulation and the comments received on the proposed rulemaking, and the members of the committee expressed no concerns. The AQTAC voted 16-0-1 (yes; no; abstain) to concur with the Department's recommendation to move the draft final-form regulation forward to the Board for consideration as final rulemaking. The Department discussed the draft final-form amendments with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee on March 2, 2016. On the recommendation of the Policy and Regulatory Oversight Committee, on March 15, 2016, the CAC concurred with the Department's

recommendation to forward the final rulemaking to the Board. The Department briefed the Small Business Compliance Advisory Committee (SBCAC) on the draft final-form regulation on April 27, 2016. The SBCAC voted unanimously to concur with the Department's recommendation to move the draft final-form regulation forward to the Board for consideration as final rulemaking. Meetings of the advisory groups were advertised and open to the general public.

### **Public Comments and Board Hearings**

The Board approved publication of the proposed rulemaking at its meeting of April 21, 2015. The proposed rulemaking was published in the Pennsylvania Bulletin on August 8, 2015, with a 67-day public comment period (45 Pa.B. 4351). Three public hearings were held on September 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, PA, respectively. The public comment period closed on October 13, 2015. No public comments were received. The Independent Regulatory Review Commission (IRRC) provided comments regarding the proposed compliance date of January 1, 2016, and recommended that the Board establish a compliance date that allows for the proper development of a final-form regulation and full compliance by the regulated community. IRRC also noted that the owner or operator of a separate coating line at an automobile and light-duty truck assembly coating facility, and the owner or operator of a facility that coats a body or body part for a new heavier vehicle, have the option to be regulated under this rulemaking or under the concurrently proposed rulemaking for the control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings (see EQB #7-491 or IRRC #3109). IRRC recommended that the Board ensure that the two rulemakings are adopted on the same date. The concerns have all been addressed and there are no unresolved issues.