



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Final Rulemaking: 25 Pa. Code Chapter 129

Control of Volatile Organic Compound Emissions from
Automobile and Light-Duty Truck Assembly Coating
Operations and Heavier Vehicle Coating Operations

Environmental Quality Board Meeting
June 21, 2016

Purpose of Final Rulemaking

- Establishes Reasonably Available Control Technology (RACT) requirements for VOC emissions from Automobile and Light-Duty Truck (ALDT) Assembly Coating Operations & Heavier Vehicle Coating Operations.
- Consistent with Section 4.2(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. §4004.2(a), these VOC RACT emission reduction measures are reasonably required to achieve and maintain the 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) and to satisfy related Clean Air Act (42 U.S.C.A. §§ 7401-7671q) requirements in this Commonwealth.
- RACT for these VOC-emitting sources is required statewide because PA is included in the Ozone Transport Region established under the Clean Air Act.

Basis of the Final Rulemaking

- The final-form VOC coating content limits and requirements are consistent with the U.S. EPA's recommendations in the Control Techniques Guidelines (CTG) for Automobile and Light-Duty Truck (ALDT) Assembly Coatings issued in September 2008.
- The EPA's recommended VOC coating content limits and work practices in the CTG are based on the new source performance standards and hazardous air pollutant requirements specified in 40 CFR Part 63, Subpart III and 40 CFR Part 60, Subpart MM.

Elements of the Final Rulemaking

The final-form regulation includes the following elements:

- Applicability.
- Definitions.
- VOC content limits for assembly coatings.
- Work practice requirements for coating-related activities and cleaning materials.
- Compliance monitoring and recordkeeping.
- Measurement, calculation, sampling and testing methodologies.

Applicability

The coating VOC content limits in the final rulemaking apply 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.
 - A body part for a new automobile or for a new light-duty truck.
 - Another part that is coated along with the new automobile body or body part or new light-duty truck body or body part.
- A facility that performs a coating operation subject to this section on a contractual basis.

Applicability continued

The coating VOC content limits also apply to the owner and operator of:

- 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 a new part or an aftermarket repair or replacement part if the owner or operator elects to comply with this regulation instead of § 129.52d (the miscellaneous metal and plastic parts (MMPP) surface coating regulation).
- A facility that coats a body or body part for a new heavier vehicle if the owner or operator elects to comply with this regulation instead of § 129.52d.

Applicability Exceptions

- The final-form regulation does not apply to the use or application of an automobile and light-duty truck assembly coating by an owner or operator at a plastic or composites molding facility.
- The VOC coating content limits do not apply to:
 - The owner and operator of a facility that has actual VOC emissions below 15 pounds per day, before consideration of controls, from all subject coating operations and related cleaning activities.
 - An assembly coating supplied in a container with a net volume of 16 ounces or less or a net weight of 1 pound or less.

Affected Parties

As many as 61 facility owners and operators may be subject to the final rulemaking.

- All are likely small businesses under the Federal Small Business Size regulations.
- As many as 47 facility owners and operators may emit 2.7 tons or more of actual VOC emissions per 12-month rolling period and would likely be required to meet the VOC coating content limits, work practice standards, and recordkeeping requirements.
- The remaining 14 facility owners and operators would be subject only to recordkeeping requirements to demonstrate that they are below the applicability threshold for complying with the VOC coating content limits and work practice standards.

Environmental Impact

- Maximum VOC emission reductions achieved by the final rulemaking control measures are estimated at approximately 524 tons annually.
- VOC emission reductions will reduce the formation of ground-level ozone and will also allow the Commonwealth to make progress in attaining and maintaining the ozone NAAQS.
- Actual VOC emission reductions may be lower because the owners and operators of some affected facilities may already be complying with various elements of the final rulemaking.

Economic Impact

- Determination of RACT considers costs to the affected owners and operators.
- The cost-effectiveness of reducing VOC emissions from these sources is estimated to range from \$941 to \$1,758 per ton of VOC emissions reduced.
- The estimated annual cost of compliance for each facility owner or operator is estimated to range from \$10,500 to \$19,514.

Public Participation Process

- The EQB adopted the proposed rulemaking on April 21, 2015.
- Notice of the proposed rulemaking was published in the *Pennsylvania Bulletin* on August 8, 2015 (45 Pa.B. 4351).
- EQB's 67-day public comment period ended on October 13, 2015.
- Public hearings were held on September 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, respectively.
- No testimony or written comments were received on the proposed rulemaking.

IRRC Comments

The Independent Regulatory Review Commission (IRRC) submitted comments to EQB on November 12, 2015.

- IRRC recommended that the EQB establish a later compliance date that allows for the proper development of a final-form regulation and full compliance by the regulated community.
- IRRC requested that the EQB ensure that the ALDT and the Miscellaneous Metal and Plastic Parts (MMPP) final rulemakings are adopted on the same date.

January 1, 2017, Compliance Date

- DEP revised the compliance date to January 1, 2017, as reflected in § 129.52e(c), (d), and (e) of the final-form Annex A.
- January 1, 2017, is the deadline prescribed by the EPA for the implementation of RACT measures in the 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).
- DEP is presenting the ALDT and MMPP final rulemakings to the EQB together for consideration and adoption so that they are published concurrently in the *Pennsylvania Bulletin* as final-form regulations and effective on the same date.

▶ Advisory Committee Review: Draft Final-form Annex A

Advisory committees and the Citizens Advisory Council (CAC) concurred on these dates with DEP's recommendation to present the final rulemaking to the EQB for consideration:

- February 11, 2016 – The Air Quality Technical Advisory Committee.
- March 2, 2016 – The CAC Policy and Regulatory Oversight Committee.
- March 15, 2016 – The CAC.
- April 29, 2016 – The Small Business Compliance Advisory Committee.

Final Rulemaking Recommendation

- DEP recommends that the EQB approve the final rulemaking for the control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations.
- DEP will submit the final-form regulation, if adopted, to the EPA for approval as a revision to the State Implementation Plan upon publication in the *Pennsylvania Bulletin* as a final rulemaking.



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