

**Executive Summary**  
**Amendments to 25 Pa. Code Chapters 121 and 129**  
**Control of VOC Emissions from Industrial Cleaning Solvents;**  
**General Provisions; Aerospace Manufacturing and Rework; and**  
**Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs**

**Purpose and Summary of the Final Rulemaking**

The Department of Environmental Protection (DEP) finalized amendments to Chapters 121 and 129 (relating to general provisions; and standards for sources) for consideration by the Environmental Quality Board (Board). The final-form rulemaking adds § 129.63a (relating to control of VOC emissions from industrial cleaning solvents) to address volatile organic compound (VOC) emissions from industrial cleaning solvents. The final-form rulemaking also makes clarifying amendments to §§ 121.1, 129.51, and 129.73 (relating to definitions; general; and aerospace manufacturing and rework) and specified sections of the recently promulgated additional RACT requirements for major sources of nitrogen oxides (NO<sub>x</sub>) and VOCs (RACT 2). Final-form § 129.63a adopts reasonably available control technology (RACT) requirements and RACT emission limitations for existing stationary sources of VOC emissions from industrial cleaning solvents that are not regulated elsewhere in Chapter 129 or Chapter 130 (relating to standards for products). These requirements apply to the owner and the operator of a facility at which an industrial cleaning solvent is used or applied in a cleaning activity to remove a contaminant, including an adhesive, ink, paint, dirt, soil, oil, or grease, from a cleaning unit operation or work production-related work area or from a part, product, tool, machinery, equipment, vessel, floor, or wall.

The final-form VOC emission limitations and other requirements are consistent with the RACT recommendations issued by the U.S. Environmental Protection Agency (EPA) in the 2006 Control Techniques Guidelines for Industrial Cleaning Solvents (2006 ICS CTG). Consistent with Section 4.2(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. §4004.2(a), the VOC emission reduction measures in § 129.63a are reasonably required to achieve and maintain the health-based and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related Clean Air Act (CAA) requirements in this Commonwealth. The final-form amendments, when promulgated 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 if the provisions meet the RACT requirements of the CAA and its implementing regulations.

The final-form rulemaking makes minor clarifying amendments to §§ 121.1 and 129.51 to support the addition of § 129.63a.

Section 129.73 was amended to correct a numbering error in Table II (relating to allowable content of VOCs in aerospace coatings) that was promulgated April 10, 1999 (29 Pa. B. 1879, 1887).

New language and clarifying amendments have been finalized for §§ 129.96, 129.97, 129.99, and 129.100 under RACT 2 to update the VOC presumptive RACT regulations for which RACT 2 does not apply and to clarify certain requirements.

## **Affected Parties**

DEP estimates that the owners and operators of about 576 facilities across the Commonwealth may be affected by final-form § 129.63a. Of these facility owners and operators, about 253 may meet the definition of small business (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) across this Commonwealth. DEP expects that the impact on these small businesses will be minimal. The owner and the operator of a facility that is subject to final-form § 129.63a will likely incur little, if any, cost to implement these requirements. Industrial cleaning solvents such as Stoddard solvent, mineral spirits, and most other common solvents provided by suppliers have vapor pressures well below the proposed 8 millimeters of mercury composite vapor pressure compliance limit. The owners and operators of potentially affected facilities such as automobile repair garages and metal parts manufacturing facilities using these common industrial cleaning solvents will likely not have to make any changes to their cleaning materials. Reporting, recordkeeping, and administrative costs have been minimized in final-form § 129.63a. Owners and operators of affected facilities are required to maintain monthly records sufficient to demonstrate compliance with the applicable requirements at, above, and below the threshold of 2.7 tons (2,455 kilograms) of VOC emissions per 12-month rolling period for implementing the VOC emission control measures. DEP estimates that the annual financial impact on potentially affected facility owners and operators could range from an average savings of \$282 per affected facility owner and operator to an average cost of \$27 per affected facility owner and operator. The estimated amount of VOC emission reductions from the potentially affected 576 facility owners and operators, including small businesses, could be as much as 12,499 tpy. The estimated average amount of potential VOC emission reductions per affected owner and operator could be approximately 22 tpy per affected facility (12,499 tpy/576 facilities).

## **Advisory Groups**

On January 24, 2018, the Department briefed the Small Business Compliance Advisory Committee (SBCAC) on this final-form rulemaking and on the comments received on the proposed rulemaking. The SBCAC recommended the Department conduct education and outreach for the regulated community on this final-form rulemaking. The Department initially added language to the draft final-form rulemaking Annex A in § 129.96 to address comments of the EPA and the Independent Regulatory Review Commission (IRRC) regarding retroactive applicability of § 129.63a(a); this language was in the draft final-form rulemaking Annex A provided to the SBCAC, denoted in bolded capitals as § 129.63a(e), (f) and (g). However, in further considering the comments provided by the EPA and IRRC prior to the SBCAC meeting, the Department concluded that this additional language created unnecessary complexity and determined that the language would be removed. The Department advised the SBCAC during the January 2018 meeting of its intent to remove draft § 129.63a(e), (f) and (g) from the draft final-form rulemaking Annex A. The SBCAC voted unanimously (6-0-0) to concur with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration. On February 8, 2018, the Department briefed the Air Quality Technical Advisory Committee (AQTAC) on this final-form rulemaking and on the comments received on the proposed rulemaking. The AQTAC members had no concerns and voted unanimously (14-0-0) to concur with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration. The Department discussed this final-form rulemaking with the Citizens Advisory Council's (CAC) Policy and Regulatory

Oversight Committee on February 9, 2018. On the recommendation of the CAC's Policy and Regulatory Oversight Committee, on February 20, 2018, the CAC concurred with the Department's recommendation to move this final-form rulemaking to the Board.

Advisory committee meetings are advertised and open to the public.

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

The proposed rulemaking was approved by the EQB at its meeting on March 21, 2017, and published in the *Pennsylvania Bulletin* on June 17, 2017, with a 66-day public comment period (47 Pa. B. 3356). Three public hearings were held on July 18, 19, and 20 at DEP regional offices in Norristown, Pittsburgh, and Harrisburg, respectively. The public comment period closed on August 21, 2017. The Department received written comments from six commentators, and one commentator provided testimony. The EPA provided several comments including that DEP should: address the term "non-compliant" as part of the noncompliant industrial cleaning solvent exception in § 129.63a(c)(2); move the emissions threshold of 2.7 tons per 12-month rolling period, before consideration of controls, to the applicability subsection (a); add specific language related to monitoring requirements for add-on control equipment; justify its exemptions for screen printing operations and for the use or application of solvents subject to a standard or specification required by Federal agencies; and amend the definition of "industrial cleaning solvent." The EPA also commented that DEP needed to address retroactive applicability issues with respect to the proposed amendments to § 129.96.

The Independent Regulatory Review Commission (IRRC) incorporated the EPA's concerns since they relate to IRRC's criteria regarding implementation, ambiguity, reasonableness and clarity. IRRC also asked the EQB to clarify and explain the reasonableness of an exemption for aerospace manufacturing and rework operations due to two industry commentators sharing concerns about the use of the term aerospace coatings in proposed § 129.63a(c), as well as for the EQB to explain the reasonableness of exemptions and compliance options regarding the feasibility of proposed § 129.63a to battery cleaning operations due to the concern of an industry commentator.

The concerns have been addressed and there are no unresolved issues.