

Executive Summary

Amendments to 25 Pa. Code Chapters 121 and 129

Control of VOC Emissions from Paper, Film and Foil Surface Coating Operations

The Department of Environmental Protection recommends proposed 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).

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking is to amend Chapter 129 to limit emissions of volatile organic compounds (VOCs) from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes. The proposal would add § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes) and amend §§ 121.1, 129.51 and 129.52 (relating to definitions; general; and surface coating processes).

There are no Federal statutory or regulatory limits for VOC emissions from paper, film or foil surface coating operations. State regulations to control VOC emissions from these surface coating operations are required under Federal law, however, and will be reviewed by the U.S. Environmental Protection Agency (EPA) for whether they meet the “reasonably available control technology” (RACT) requirements of the Clean Air Act (CAA) and its implementing regulations. *Consumer and Commercial Products; Control Techniques Guidelines in lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings*, 72 FR 57215, 57218 (October 9, 2007).

Section 172(c)(1) of the CAA provides that State Implementation Plans (SIPs) for nonattainment areas must include “reasonably available control measures,” including RACT, for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emission covered by a Control Techniques Guidelines (CTG) document issued by the EPA prior to the area’s date of attainment. 42 U.S.C. § 7511a(b)(2). More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region, including Pennsylvania, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG. 42 U.S.C. § 7511c(b)(1)(B).

The Department has reviewed the recommendations included in the 2007 CTG for paper, film and foil coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department has determined that the measures provided in this CTG are appropriate to be implemented in this Commonwealth as RACT for this category.

The maximum anticipated additional annual VOC emission reductions from noncomplying paper, film or foil surface coating facilities as a result of this rulemaking is approximately 215 tons per year in Pennsylvania. These proposed control measures are reasonably necessary as part

of the Commonwealth's efforts to attain and maintain the health- and welfare-based 1997 and 2008 8-hour National Ambient Air Quality Standards for ozone. The final-form regulation, if adopted by the Board, will be submitted to the EPA as a revision to the SIP.

Summary of Proposal

The proposed amendments would add one new term and definition to § 121.1 and revise one existing term to support the proposed § 129.52b.

The proposed rulemaking would amend § 129.51(a) to extend its coverage to paper, film and foil surface coating processes covered by this proposed rulemaking. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The proposed rulemaking would amend § 129.52 to clarify that the requirements and limits already specified in § 129.52 for paper, film and foil coatings are superseded by the requirements and limits that will be adopted in this proposed rulemaking.

The proposed rulemaking would add § 129.52b to regulate VOC emissions from paper, film and foil surface coating processes.

Proposed subsection (a) establishes the applicability requirements.

Proposed subsection (b) explains that the requirements of § 129.52a supersede the requirements of a RACT permit already issued to the owner or operator of a source subject to § 129.52b, except to the extent the RACT permit contains more stringent requirements.

Proposed subsection (c) establishes VOC emission limits beginning January 1, 2011.

Proposed subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52b.

Proposed subsection (e) requires that the records be maintained for 2 years and submitted to the Department on request.

Proposed subsection (f) specifies coating application methods.

Proposed subsection (g) exempts certain small quantity coatings from the proposed VOC content coating limits.

Proposed subsection (h) establishes work practices that an owner or operator of a surface coating process subject to § 129.52b must comply with for cleaning materials.

Proposed Table I (relating to emission limits of VOCs for paper, film and foil surface coatings) establishes emission limits for VOCs from affected coatings, expressed in weight of VOC per weight of coating solids, as applied.

Affected Parties

Approximately 15 paper, film or foil surface coating facilities located in this Commonwealth are potentially subject to the proposed rulemaking. These facilities emitted a total of 458 tons of VOC emissions in 2008. The estimated total combined annual costs to noncomplying facilities of \$258,000 are negligible compared to the improved health and environmental benefits that would be gained from this proposed rulemaking. Based on total VOC emissions reported to the Department for the 2008 calendar year, the annual compliance costs for each affected noncomplying facility will range from an estimated \$2,312 to an estimated \$88,548, depending on actual VOC emissions.

Advisory Groups

The concepts of the proposed rulemaking were discussed with the Air Quality Technical Advisory Committee (AQTAC) at its October 30 and December 11, 2008, meetings. The proposed rulemaking was discussed with the AQTAC on May 28, 2009. The AQTAC concurred with the Department's recommendation to present the proposed amendments to the Board for approval for publication as a proposed rulemaking. The Department also consulted with the Citizens Advisory Council on July 21, 2009, and with the Small Business Compliance Advisory Committee on October 22, 2008, and April 22 and July 22, 2009.

Public Comments and Board Hearings

The Department recommends a 60-day public comment period on the proposed rulemaking and three public hearings.