



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Final Rulemaking: 25 Pa. Code Chapter 129

**Control of Volatile Organic Compound Emissions from
Miscellaneous Metal Parts Surface Coating Processes,
Miscellaneous Plastic Parts Surface Coating Processes,
and Pleasure Craft Surface Coatings**

**Environmental Quality Board Meeting
June 21, 2016**

Purpose of Final Rulemaking

- The final-form regulation establishes statewide Reasonably Available Control Technology (RACT) requirements for VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes, and pleasure craft surface coatings (MMPP).
- Consistent with Section 4.2(a) of the Pennsylvania Air Pollution Control Act, 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).
- The final-form regulation also satisfies related Clean Air Act requirements in this Commonwealth.

Basis of the Final Rulemaking

- The final-form VOC coating content limits and requirements are consistent with the U.S. Environmental Protection Agency's (EPA) recommendations in the Control Techniques Guidelines (CTG) for Miscellaneous Metal and Plastic Parts (MMPP) Coatings issued in September 2008.
- The EPA's recommended VOC coating content limits and work practices in the CTG are based on Federal hazardous air pollutant content limits and work practices promulgated in 40 CFR Part 63, Subparts MMMM and PPPP.

Elements of the Final Rulemaking

The final-form regulation includes the following elements:

- Applicability.
- Definitions.
- Emission limitations.
- Compliance and monitoring requirements.
- Recordkeeping and reporting requirements.
- Coating application methods.
- Exempt coatings and exempt coating unit operations.
- Work practice requirements for coating-related activities and cleaning materials.
- Measurements and calculations.

Compliance Options

- VOC emission limitations and control measures restrict the amount of VOC emissions emitted from an affected facility.
- The final rulemaking provides three compliance options for flexibility:
 - Use of compliant materials.
 - Use of compliant materials and operation of a VOC emissions capture system and add-on air pollution control device.
 - Operation of a VOC emissions capture system and add-on control device meeting an overall control efficiency of 90% or more with no compliant materials.

Applicability

- The final rulemaking applies to the owner or operator of a miscellaneous metal part surface coating process, miscellaneous plastic part surface coating process, or both, that is not regulated elsewhere in Chapter 129.
- DEP identified 160 facility owners and operators that may be subject to the final rulemaking.
 - As many as 139 facilities may emit 2.7 tons or more of actual VOC emissions per 12-month rolling period. These owners and operators would be required to implement VOC emission control measures, work practice standards, and recordkeeping requirements.
 - The remaining 21 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 emission control measures and work practice standards.

Potentially Affected Facilities

- The Small Business Development Center's Environmental Assistance Program (EMAP) identified 3,080 potentially subject small business-sized facilities in Pennsylvania.
 - As many as 2,677 facilities may emit 2.7 tons or more of actual VOC emissions per 12-month rolling period. These owners and operators would be required to implement VOC emission control measures, work practice standards, and recordkeeping requirements.
 - The 403 remaining facility owners and operators would be subject only to recordkeeping requirements.
- Many of the small business-sized facilities identified by EMAP may not conduct surface coating of miscellaneous metal parts or miscellaneous plastic parts or may conduct surface coating subject to another surface coating regulation in Chapter 129 and may not be subject to this final rulemaking.

Environmental Impact

- Maximum VOC emission reductions that may be achieved through complying with the final rulemaking are estimated at 1,586 tons annually from the 139 facilities identified by DEP.
- Work practices for coating and cleaning materials also provide VOC emission reductions.
- Actual VOC emission reductions may be lower because some affected facility owners and operators may already be complying with various elements of the final rulemaking.
- However, additional VOC reductions may be achieved if many of the 2,677 facilities identified by the SBDC must implement the VOC control measures.

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 \$920 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 \$20,000.

Public Participation Process

- The EQB adopted the proposed rulemaking on October 21, 2014.
- The proposed rulemaking was published in the *Pennsylvania Bulletin* on August 8, 2015 (45 *Pa.B.* 4366).
- 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 was provided at the public hearings.

Commentators

- One commentator submitted written comments to the EQB – GE Transportation (General Electric Company).
- GE Transportation supported the exemption for aerosol coatings in § 129.52d, but sought clarification that aerosol coatings, specifically hand-held aerosol cans, are also exempt from § 129.52.
- GE Transportation also recommended a compliance date of May 1, 2016, or later.

IRRC Comments

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

- Requested clarification on whether hand-held aerosol cans are included in the exemption for aerosol coatings in § 129.52d.
- Recommended a later compliance date.
- Recommended that the MMPP and the Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations (ALDT) final rulemakings be adopted on the same date.

Changes from Proposed to Final Rulemaking

- DEP agreed with the commentator and IRRC that the applicability of § 129.52 to aerosol coatings should be clarified.
- The final-form regulation clarifies that aerosol coatings are exempt from the final rulemaking if the coatings meet the Federal requirements codified in 40 CFR Part 59 Subpart E (relating to National volatile organic compound emission standards for aerosol coatings).

January 1, 2017, Compliance Date

- The final rulemaking establishes a January 1, 2017, compliance date in § 129.52d(c) and (d).
- The January 1, 2017, compliance deadline is prescribed by the EPA for the implementation of RACT measures (80 FR 12279, March 6, 2015).
- DEP is presenting the MMPP and ALDT 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 EQB approval of the final 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.
- 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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