



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Bureau of Air Quality

COMMENT AND RESPONSE DOCUMENT

VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coatings, Large Petroleum Dry Cleaning Facilities and Synthetic Organic Chemical Manufacturing Industry Processes for the 2015 Ozone NAAQS

25 Pa. Code Chapters 121 and 129

52 Pa.B. 689 (January 29, 2022)

Environmental Quality Board Regulation #7-568

(Independent Regulatory Review Commission #3329)

**VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coatings,
Large Petroleum Dry Cleaning Facilities and
Synthetic Organic Chemical Manufacturing Industry Processes
for the 2015 Ozone NAAQS**

On January 29, 2022, the Environmental Quality Board (Board) published a *Pennsylvania Bulletin* notice of public hearings and comment period on the proposed rulemaking to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) (52 Pa.B. 689). The proposed rulemaking added definitions to § 121.1 (relating to definitions); added shipbuilding and ship repair surface coating requirements to § 129.52 (relating to surface coating processes); and added §§ 129.63b and 129.71a (relating to control of VOC emissions from large petroleum dry cleaning facilities; and control of VOC emissions from the synthetic organic chemical manufacturing industry—air oxidation, distillation and reactor processes) to Chapter 129.

The 66-day public comment period opened on January 29, 2022 and closed on April 4, 2022. Three public hearings were held on the proposed rulemaking, on March 1, 3 and 4, 2022, in Harrisburg, Pittsburgh and Norristown respectively.

This document summarizes the written comments received during the public comment period. No one testified during the public hearings. The Independent Regulatory Review Commission (IRRC) submitted written comments following the public comment period. All the comments received are summarized in this document. No written comments were received from the Senate or House Environmental Resources and Energy Committees. The list of commentators is provided below.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth’s State Implementation Plan upon publication in the *Pennsylvania Bulletin*.

Copies of all comments received by the Board are posted on the Department’s e-Comment website at <https://www.ahs.dep.pa.gov/eComment/>. Additionally, copies of all comments are available on the IRRC web site at <http://www.irrc.state.pa.us>. Search by Regulation # 7-568 or IRRC # 3329.

List of Commentators

ID	First Name	Last Name	Affiliation	City	State
1	David	Sumner	Independent Regulatory Review Commission	Harrisburg	PA
2	Michael	Nines	Manko, Gold, Katcher & Fox, LLP	Bala Cynwyd	PA

Acronyms used in this Comment and Response Document

IRRC – Independent Regulatory Review Commission

VOC – Volatile Organic Compound

Comments of the Independent Regulatory Review Commission

1. Comment. IRRC requested that the Board provide a reference to an ASTM method under subparagraph (ii)(B) of the definition of “nuclear specialty coating.”

“Nuclear specialty coating”

Subparagraph (ii)(B) requires a protective coating used to seal porous surfaces to: “. . . Be relatively easy to decontaminate.” Federal regulations include a reference to “ASTM 4256-89 or 94” for this particular requirement. See 40 CFR § 63.782. For consistency, we ask the Board to include the reference to “ASTM 4256-89 or 94” in the final-form regulation or to explain why it is not needed. **(1)**

Response: The Department added the requested ASTM reference to subparagraph (ii)(B) of the definition of “nuclear specialty coating.” The final-form definition reads as follows:

Nuclear specialty coating—For purposes of shipbuilding and ship repair coatings under § 129.52, Table I, category 12:

(i) A protective coating used to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials.

(ii) The coating must meet the following:

(A) Be resistant to long-term (service life) cumulative radiation exposure as determined by ASTM D4082-89, “Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants.”

(B) Be relatively easy to decontaminate as determined by ASTM D4256-89 or 94, reapproved 1994, “Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants.”

(C) Be resistant to various chemicals to which the coating is likely to be exposed as determined by ASTM D 3912-80, reapproved 1989, “Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants.”

2. Comment. IRRC requested that the Board provide a definition of the term “as supplied” to support the definition of “thinning ratio.”

“Thinning ratio”

“Thinning ratio” is defined as “[t]he volumetric ratio of thinner to coating, as supplied.” [Emphasis added.] Federal regulations provide a definition for the term “[a]s supplied” to mean “the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.” See 40 CFR § 63.782. To provide greater clarity to the regulated community, we recommend the Board include the definition of “as supplied” in the final-form regulation or explain why it is not necessary. **(1)**

Response: The Department responds that the term “as supplied” is already defined in § 121.1 and reads as follows:

As supplied—

(i) The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent as sold and delivered to the end user.

(ii) For purposes of §§ 129.67a and 129.67b, the VOC concentration of an ink, coating, adhesive, fountain solution or cleaning solution that is purchased for use on a printing press.

3. Comment. IRRC requested that the Board review the commentator’s suggestion regarding a typographical error related to footnote “b” associated with the proposed revisions to § 129.52, Table I, Category 12 and make the necessary correction, if appropriate. **(1, 2)**

Response: The Department corrected the typographical error noted by the commentator in footnote “b” under § 129.52, Table I, Category 12 by changing the comma to a decimal point in this final-form rulemaking. This change amends the conversion limit from 3,785 liter/gallon to 3.785 liter/gallon.

Public Comments

4. Comment: The commentator noted that the conversion constant in footnote “b” associated with the proposed revisions to § 129.52, Table I, Category 12 should be corrected as follows: “...multiply the limit by (3.785 liter/gallon).” The commentator believes the Department mistakenly inserted a comma instead of a decimal point in the conversion constant, which will cause the regulated community to perform an improper calculation and get an incorrect result when converting from metric units to English/Imperial units. **(2)**

Response: The Department agrees with the commentator and made the requested correction by replacing the comma with a decimal point in this final-form rulemaking.