

# Executive Summary

## **Amendments to 25 Pa. Code Chapters 121, 129 and 130**

### **Adhesives, Sealants, Primers and Solvents**

The Department of Environmental Protection recommends proposed amendments to Chapters 121, 129 and 130 (relating to general provisions; standards for sources; and standards for products) for consideration by the Environmental Quality Board (Board).

#### **Purpose of the Proposed Rulemaking**

The purpose of this proposed rulemaking is to add requirements for 37 categories of products that are currently unregulated in this Commonwealth, including adhesives, sealants, adhesive primers, sealant primers, and adhesive or sealant products applied to particular substrates. The proposal will also include requirements for the use of surface preparation solvents and cleanup solvents.

The proposed amendments would add requirements and volatile organic compound (VOC) emission limits in new § 129.77 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents) for the owners and operators of facilities that use or apply the regulated products on and after April 15, 2010, with certain exceptions. Owners and operators using noncomplying products will have the option to use add-on controls as a compliance alternative rather than changing to complying products.

The proposal would adopt emission standards and VOC content limits in new Chapter 130, Subchapter D (relating to adhesives, sealants, primers and solvents) for the regulated products, with certain exceptions. The requirements of the proposed Subchapter D amendments would apply to a person who, on or after April 15, 2010, sells, supplies, offers for sale or manufactures for sale for use in this Commonwealth a regulated product. The requirements would also apply to a person who uses or applies, for compensation, a regulated product in this Commonwealth.

There are no Federal limits for the adhesive, sealant and primer products that are proposed for regulation. These proposed amendments will provide approximately 7,957 tons per year of additional VOC emission reductions in Pennsylvania. The additional VOC emission reductions that will occur as the result of the adoption of these amendments are reasonably necessary as part of the Commonwealth's efforts to achieve and maintain the health-based 8-hour National Ambient Air Quality Standard for ozone. The final-form regulation, if adopted by the Board, will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan.

Many of the requirements of this rulemaking are the same for both the owners and operators of facilities subject to proposed new § 129.77 and for persons subject to new Chapter 130, Subchapter D. The summary below combines the duplicative requirements where possible.

## **Summary of Proposal**

The proposed rulemaking amends the definitions in § 121.1 (relating to definitions) to add 56 new terms and definitions and nine existing terms and definitions to improve clarity or explain new product categories.

Proposed § 129.77(a) establishes that § 129.77 applies to the owner or operator of a facility that uses or applies, on or after April 15, 2010, certain products subject to the requirements of § 129.77, including adhesive, sealant, adhesive primer or sealant primer products, adhesive or sealant products applied to particular substrates and surface preparation solvent or cleanup solvent products.

Proposed § 130.701 (relating to applicability) establishes that, except as provided in § 130.703 (relating to exemptions and exceptions), this subchapter applies to a person who, on or after April 15, 2010, sells, supplies, offers for sale, manufactures for sale, or uses or applies for compensation, in this Commonwealth, an adhesive, sealant, adhesive primer or sealant primer subject to the requirements of this subchapter.

Proposed §§ 129.77(b)-(f), (h)-(j) and 130.702 (relating to emission standards) specify requirements for the maximum VOC content, use and application of a regulated product.

Proposed §§ 129.77, Table V and 130.702, Table I specify the VOC content limits for the regulated products, as applied.

Proposed §§ 129.77, Table VI and 130.702, Table II specify the VOC content limits for adhesive or sealant products applied to particular substrates, as applied.

Proposed § 129.77(g) addresses the requirements for an owner or operator that wants to use add-on air pollution control equipment to comply.

Proposed §§ 129.77(k)-(o) and 130.703 provide for certain exemptions from the requirements of the regulations.

Proposed §§ 129.77(p)-(r) and 130.704 (relating to recordkeeping requirements) establish recordkeeping and reporting requirements.

Proposed §§ 129.77(s)-(ee) and 130.705 (relating to compliance procedures and test methods) specify the methods for determining the VOC, solids and exempt organic compound content for the regulated products.

Proposed § 130.706 (relating to container labeling) specifies certain information that must be displayed on the product container or label.

### **Affected Parties**

The proposed amendments will affect manufacturers, suppliers, sellers, users and applicators of certain adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent products. The proposed amendments may slightly increase costs to purchasers of these products, but these costs are expected to be negligible.

The Ethylene Propylene Diene Membrane (EPDM) Roofing Association (ERA) objected to the VOC content limit for single-ply roof membrane installation or repair adhesive of 250 grams per liter established in the Ozone Transport Commission 2006 Adhesives and Sealants Model Rule (OTC 2006 Model Rule). The ERA asserts that compliance with the OTC 2006 Model Rule VOC content limit of 250 grams per liter is not currently possible in the colder months, as roofing adhesives meeting this limit do not properly cure at temperatures below 40°F. The Department discussed the information the ERA provided with the OTC and member states. The proposed rulemaking includes a phase-in period for the use of compliant products to meet the ERA's concerns. A phase-in strategy has been adopted in Connecticut and is also being considered by the States of New Jersey, New York and Rhode Island and the District of Columbia. The phase-in strategy is proposed in order to provide time for product research and development, and for the training of roofing contractors in the effective application of new formulations for use in cold temperatures.

### **Advisory Groups**

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) about the proposed rulemaking on March 27 and May 23, 2008. The AQTAC unanimously concurred with the Department's recommendation to seek Board approval of the proposed rulemaking, asking the Department to consider reducing recordkeeping requirements for some product users and the special needs of segments of the roofing industry. The proposed rulemaking specifically asks for comment on the recordkeeping and roofing industry issues. The Department also consulted with the Citizens Advisory Council on March 18 and May 20, 2008, and with the Small Business Compliance Advisory Committee on April 23, 2008.

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

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