

Regulatory Analysis Form

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IRRC Number:

1980

(1) Agency

Environmental Protection

(2) I.D. Number (Governor's Office Use)

7-334

(3) Short Title

Mobile Equipment Repair and Refinishing

(4) PA Code Cite

25 PA Code Sections 121.1 and 129.75

(5) Agency Contacts & Telephone Numbers

Primary Contact: Sharon Freeman, 717-783-1303

Secondary Contact: Steve Taglang, 717-783-1303

(6) Type of Rulemaking (Check One)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulation will establish volatile organic compound (VOC) limitations and work practice standards for mobile equipment repair and refinishing. The proposed regulation adds definitions for "automotive pretreatment", "automotive primer-surfacer", "automobile primer-surfacer", "automotive specialty coating", "automotive topcoat", "antique motor vehicle", "classic motor vehicle", and "mobile equipment". The proposed regulation also establishes VOC limits for certain finish materials used in the aftermarket finishing and refinishing of mobile equipment at limits proposed at the national level by EPA. In addition, the proposed regulation establishes coating application technology requirements and work practice standards for the mobile equipment refinish industry. Finally, the proposed regulation establishes permitting requirements for facilities which apply aftermarket automotive refinish materials.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

This action is being taken under the authority of Section 5(a)(1) of the Air Pollution Control Act (35 P.S. § 4005 (a)(1)).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

This proposed regulation is based on the recommendations of the Southwest and Southeast Pennsylvania Ozone Stakeholders Working Groups which recommended that the Department implement regulations to reduce VOC emissions for the repair and refinishing of mobile equipment. This recommendation is part of the Commonwealth's ongoing efforts to develop and implement strategies to address the continuing health related ozone air quality problem in Pennsylvania. The proposed VOC limitations for finish materials are consistent with the proposed federal limits which are expected to be finalized in late 1997.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Large areas of the Commonwealth continue to exceed the health-based standard for ground-level ozone. In April of 1996, Southwestern and Southeastern Pennsylvania Ozone Stakeholder Working Groups were formed to address the problem in the major urban areas and to make recommendations to the Secretary regarding the implementation of measures necessary to attain and maintain the health-based standard. Both Stakeholders Groups recommended that the Commonwealth develop VOC reduction measures to address emissions from the repair and refinishing of mobile equipment in order to reduce emissions of ozone precursors. This regulation will help move the area toward attainment of the health-based standard for ozone, which is in the best interest of the public.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

When ground-level ozone is present in concentrations in excess of the federal health-based standard, public health is adversely affected. The federal Environmental Protection Agency has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly, and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though such symptoms are often temporary, repeated exposure could result in permanent lung damage.

The implementation of additional measures to address the ozone air quality nonattainment in Pennsylvania is necessary to protect the public health. The reduction of VOC emissions from automobile repair and refinishing is one of the strategies recommended by both the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The proposed regulations will result in improved air quality for all citizens of the Commonwealth by reducing ozone precursor emissions. The reduction in ozone precursor emissions will result in improved ozone air quality throughout Pennsylvania. In addition, the proposed regulations will result in reduced levels of hazardous air pollutants throughout Pennsylvania.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

The proposed regulations will require that some individuals involved in the repair and refinish of automobiles and other mobile equipment purchase new spray guns for the application of the finish materials. Typically, the industry has used high volume-low pressure (HVLP) spray guns to meet improved spray application technology requirements. HVLP spray guns are estimated to cost approximately \$ 200.00 more than comparable air atomized spray guns. However, the improved coating solids transfer efficiency achieved through the use of these guns results in reduced coating use and coating purchase cost savings. The pay back period for HVLP guns is typically estimated at two years or less.

The proposed regulation contains training requirements for those involved in coating material and solvent handling and application. The training will result in decreased material waste and will, therefore, reduce costs.

Coating costs are not anticipated to increase. The major coating suppliers are currently marketing coatings which meet the proposed coating solvent content limits.

Each affected facility will be required to obtain a permit from the Department. Permit fees will be charged.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Information developed by PRC Environmental Management, Inc. for The Pennsylvania Small Business Assistance Program indicates that there are approximately 4,400 automobile body shops in Pennsylvania. Each of these will be required to comply with the proposed regulation.

(16) Describe the communications with and inputs from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Ozone Stakeholder Working Groups met for approximately 8 months deliberating ozone reduction strategies for the Pennsylvania. Implementation of a program to reduce VOC emissions from automobile refinishing was one of the recommendations of the Ozone Stakeholder Working Groups.

A stakeholder group, including representatives of the automobile repair and refinishing industry, coating manufacturers, coating and coating equipment suppliers, environmental groups, and regulatory agencies met for approximately ten weeks to discuss regulatory strategies. The proposed regulation represents the consensus position of the stakeholder group.

In addition, the proposed revisions were discussed with the Air Quality Technical Advisory Committee and will be made available for review by the Citizens Advisory Council

(17) Provide a specific estimate of the cost and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Increased costs may be imposed on the regulated community for the preparation of permit applications and for the permit fee. The preparation of the permit application is estimated to require approximately one to two hours. Permit fees will be consistent with the provisions of Chapter 127 Section 127.703. Section 127.703 provides for permit fees for non-Title V facilities of \$250 for applications filed through 1999 and \$300 for applications filed through 2004. The program will be structured to avoid the need for operators to obtain outside assistance in the preparation of applications.

If a facility is required to replace existing air atomized spray equipment with improved technology application equipment, costs of approximately \$ 600.00 per spray gun will be imposed. Typical air-atomized spray guns cost approximately \$400.00. These costs for HVLP spray guns will be offset by reduced paint use and reduced paint purchase costs. The payback period for an HVLP spray gun is estimated by the industry to be approximately 1 to 2 years.

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(18) Provide a specific estimate of the cost and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The proposed revisions to the regulations are expected to impose no additional direct costs on local governments. No cost savings are anticipated.

If, however, a local government is involved in the repair and refinishing of its vehicles, additional costs commensurate with those for the private sector would be experienced.

(19) Provide a specific estimate of the cost and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

The proposed revisions may impose additional costs on state government. The Department of Transportation (DOT) conducts maintenance painting of equipment. Additional cost may be incurred for the purchase of HVLP or other acceptable spray equipment. However, the additional cost for the spray guns will be offset by the reduced coating use.

Affected facilities will be required to obtain permits and to pay the associated permit fee costs. Permit fees will be approximately \$200 for the first year and \$300 for succeeding years.

Costs to comply will be commensurate with those experienced by the private sector.

Nominal costs may be incurred by the Commonwealth to assist in providing training and assistance to the regulated community. No new staff resources are anticipated to be necessary.

Combined Regulations

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Regulated Community	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Local Government	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
State Governments	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Total Savings	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
COSTS:	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Regulated Community	\$00.00	\$1.2MM	1.4 MM	1.4 MM	1.4 MM	1.4 MM
Local Government	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
State Governments	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Total Cost	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
REVENUE LOSSES:	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Regulated Community	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Local Government	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
State Governments	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00
Total Revenue Losses	\$00.00	00.00	\$00.00	00.00	\$00.00	00.00

(20a) Explain how the cost estimates listed above were derived.

It is not anticipated that the proposed revisions will impose either significant cost increases or cost savings. Some additional costs may be involved if the DOT maintenance operations are required to purchase new spray equipment. However, these increased costs will be offset by reduced paint material costs. In the long run, the program will result in cost savings to the regulated community. These cost savings will be dependent on the quantity of paint and other materials purchased by a facility because costs savings are a function of material use.

The cost to the regulated community shown above is the total cost of permit application fees for each of the estimated 4,400 facilities, i.e., 4,400 facilities x \$250 permit fee/facility = \$1,100,000. In addition, the cost estimate assumes two hours of time for each facility to prepare permit applications and related paperwork at an average cost of \$20/hour, i.e., 4,400 facilities x 2hours/facility x \$20/hr. = \$176,000.

Similarly, local government may experience costs to purchase new spray equipment, but the costs of the equipment will be offset by reduced paint purchase costs.

Neither cost nor cost savings values are presented for the changes related to cost and benefits of HVLP guns. The actual costs/cost savings are dependent upon whether a facility has already purchased HVLP spray guns, the quantity of paint sprayed, the cost of the paint and other variables. Data are not available to ascertain these costs.

Nominal costs may be incurred by the Commonwealth in assisting in training and public information activities for the industry. No new staff resources are expected to be required.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
Air Quality	26,000,000	29,000,000	27,000,000	27,000,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and cost.

The proposed regulations will impose additional costs on the regulated industry if a facility needs to purchase additional improved transfer efficiency spray equipment. However, this cost will be recovered in one to two years due to reduced coating purchase costs. Operator training and improved housekeeping and waste minimization will also reduce costs.

Permitting of the facilities will provide the mechanism for the Department, and the regulated community, to assure that facilities are operated in compliance. The permitting fees are anticipated to cover the cost of program implementation and enforcement.

(22) Describe the nonregulatory alternative considered and the cost associated with those alternatives. Provide the reasons for their dismissal.

The stakeholder group which was instrumental in the development of the proposed regulation did not consider non-regulatory alternatives.

Non-regulatory approaches would not have been responsive to the matter. They would not have assured that affected facilities utilize high transfer application technology and waste minimization and pollution prevention practices and that employees receive training.

(23) Describe alternative regulatory schemes considered and the cost associated with those schemes. Provide the reasons for their dismissal.

Southeast and Southwest Ozone Stakeholder Working Group recommendations included a "point of sale" requirement that would limit the sale of automobile refinish materials to certified refinish operators and a requirement for limiting the industry to the use of automobile refinish materials which meet the limits which were in existence for the South Coast Air Quality Management District (SCAQMD) in California.

The stakeholders group established to assist the development of this proposal determined that "point of sale" requirements were impractical because: they would require paint wholesalers and retailers to "police" the program; automobile refinish materials are used for uses other than refinishing automobiles; refinish materials are routinely supplied into Pennsylvania from out-of-state vendors; Pennsylvania's large number of counties bordering on other states could encourage "bootlegging" of refinish materials. Requirements imposing the SCAQMD limits were dismissed because they were deemed unworkable because of technical problems. SCAQMD is presently revising the limits to levels more appropriate to current coating technology.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations. .

The application technology, spray gun cleaning, housekeeping, training and permitting requirements are not included in the federal program regulating automobile refinishes. The proposed solvent limitations for the refinish materials are consistent with the proposed federal limitations.

The proposed regulations are based on recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Stakeholders evaluated available strategies for attaining the health based ozone standard in Pennsylvania and determined that the reduction of VOC emissions from automobile refinishing was an important component of the attainment strategy.

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The proposed regulations are consistent with the proposed federal limits on VOCs in automobile refinish materials. When the federal limits are adopted, the limits will apply to all coating automotive refinish materials manufactured and distributed in the United States. Other states have already adopted automobile refinish requirements similar to the proposed regulation

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

Three public hearings will be scheduled.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The proposed regulation will require that operators of automobile refinishing facilities obtain permits for the operation of the finishing systems.

Forms are not available.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Compliance assistance is available if it is needed by the affected facilities.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The effective date for the proposed revisions is anticipated to be late-1998. The regulations will become effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

A permit will be required for the operation of automobile refinishing facilities. The deadline for applying for a permit is fifteen months following the final adoption of the regulation

(31) Provide the schedule for continual review of the regulation.

The regulations will be reviewed in accordance with the sunset review schedule published by the Department.

FACE S. ET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Cristina S. Caputo

DEPUTY ATTORNEY GENERAL

FEB 1 1998

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. #7-334

DATE OF ADOPTION: 1-20-98

BY:

James M. Seif

TITLE: JAMES M. SEIF, CHAIRMAN
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agencies

R. E. Cornacelli

1/27/98
DATE OF APPROVAL

(Deputy General Counsel)
(~~Chief Counsel, Independent Agency~~)
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

NOTICE OF
PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

Mobile Equipment Repair and Refinishing

25 Pa. Code Chapters 121 and 129

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

**25 Pa. Code Chapters 121 and 129
Mobile Equipment Repair and Refinishing**

Preamble

The Environmental Quality Board (EQB) proposes to amend 25 Pa. Code Chapters 121 and 129 (relating to definitions and standards for sources) as set forth in Annex A. The changes to Chapter 121 add definitions of terms used in the substantive sections of Chapter 129. A new Section 129.75 establishes requirements to control volatile organic compound (VOC) emissions from mobile equipment repair and refinishing facilities.

This notice is given under Board Order at its meeting of January 20, 1998.

A. Effective Date

These amendments will be effective upon publication in the Pennsylvania Bulletin as final rulemaking.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-1663, or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, telephone (717) 787-7060.

C. Statutory Authority

This action is being taken under the authority of Section 5(a)(1) of the Air Pollution Control Act (35 P.S. §4005(a)(1)), which grants to the EQB the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background of the Amendment

This regulation proposes to establish controls on the volatile organic compound (VOC) emissions from mobile equipment repair and refinishing facilities. This regulation implements the recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Southwest Ozone Stakeholders recommended a "point of sale" regulation which would preclude the sale of non-complying finishes. The Southeast Ozone

Stakeholders recommended limiting the VOC content of automobile refinish material to the levels imposed in the South Coast Air Quality Management District (SCAQMD).

Subsequent to the recommendations of the Ozone Stakeholders, a separate stakeholder group was formed composed of representatives of the mobile equipment repair and refinishing community, equipment suppliers and members of the public. This stakeholder group identified a number of problems with a "point of sale" regulation and the SCAQMD limits and recommended establishing limitations on the VOC content of finishes along with equipment specifications and work practice requirements. The proposed regulations incorporate the recommendations of this stakeholder group.

The Department also consulted with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposal. At its August 21, 1997 meeting, the AQTAC recommended adoption of the proposed regulations.

E. Summary of Regulatory Revisions

The proposed changes to Chapter 121 add definitions of terms used in the substantive provisions in Chapter 129. The definitions include "automotive pretreatment", "automotive primer-surfacer", "automobile primer-sealer", "automotive specialty coating", "automotive topcoat", "antique motor vehicle", "classic motor vehicle", "mobile equipment" and "touchup repair".

A new section 129.75, mobile equipment repair and refinishing, establishes allowable VOC content requirements for coatings used in this source category. Section 129.75(b) establishes exceptions to the general applicability of the rules where the coating is done in an automobile assembly plant or by an individual who does not receive compensation for application of the coatings. Subsection (e) establishes the VOC content of automobile refinish coatings, and subsection (f) provides the methodology for calculating VOC emissions. Subsections (g) and (h) establish application techniques and timeframes for existing and new facilities applying coatings regulated by this section. Subsections (j) and (k) establish the requirements for cleaning spray guns associated with this source category and housekeeping, pollution prevention and training requirements for individuals applying mobile equipment repair and refinishing coatings. Finally, subsection (l) requires the owner/operator of a facility subject to this section to obtain a permit for operation of the facility.

Under these requirements, a person who applies mobile equipment repair and refinishing coatings will have to provide notice to the Department and comply with applicable VOC content requirements for coatings. In addition to application technique and cleaning requirements, the proposed regulations establish training, pollution prevention and permitting requirements that are phased-in under a schedule set forth in the proposed regulations.

This regulatory revision will be submitted to the Environmental Protection Agency as an amendment to the State Implementation Plan.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation:

Benefits

Overall, the citizens of the Commonwealth will benefit from these recommended changes because they provide appropriate controls on VOC emissions from mobile equipment and repair and refinishing facilities.

Compliance Costs

These regulations will increase compliance costs requiring facilities to obtain a permit. Equipment costs will also be slightly higher but the increase in equipment costs will be recovered by savings in operating costs. There may be some increases in costs associated with the training requirement.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with understanding the newly revised requirements and how to comply with them. The regulation requires that persons applying mobile equipment repair and refinishing coatings receive training in proper use and handling of coatings, solvents and wash products. This will be accomplished through Department-sponsored training.

Paperwork Requirements

The regulatory revisions will increase the paperwork related to this class of facilities by requiring permits, reporting and recordkeeping.

G. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under §5(a) of the Regulatory Review Act, the act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §745.5(a)), the Department submitted a copy of the proposed rulemaking on September 8, 1998, to the Independent Regulatory Review Commission and to the Chairmen of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within thirty (30) days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The act specifies detailed procedures for the Department, the Governor, and the General Assembly to review these objections before final publication of the regulation.

I. DEP Public Information Meetings

The Department will hold twelve (12) public information meetings statewide to discuss the proposed regulatory requirements and respond to questions from the public and automobile refinish industry. A morning session and an evening session will be held in each of the Department's six (6) regional offices as follows:

October 5, 1998 -- 7:00 p.m. October 6, 1998 -- 9:00 a.m.	DEP Southwest Regional Office 400 Waterfront Drive Pittsburgh, Pa.
October 7, 1998 -- 7:00 p.m. October 8, 1998 -- 9:00 a.m.	DEP Northcentral Regional Office 208 North Third Street Williamsport, Pa.
October 14, 1998 -- 7:00 p.m. October 15, 1998 -- 9:00 a.m.	DEP Northwest Regional Office 230 Chestnut Street Meadville, Pa.
October 19, 1998 9:00 a.m. and 7:00 p.m.	DEP Southcentral Regional Office 909 Elmerton Avenue Harrisburg, Pa.
October 27, 1998 9:00 a.m. and 7:00 p.m.	DEP Southeast Regional Office Lee Park, 555 North Lane Conshohocken, Pa.
October 28, 1998 9:00 a.m. and 7:00 p.m.	DEP Northeast Regional Office Two Public Square Wilkes-Barre, Pa.

J. Public Comment and EQB Public Hearings

Public Hearings

The EQB will hold six (6) public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 7:00 p.m. on the following dates and at the following locations:

October 29, 1998	DEP Southcentral Regional Office 909 Elmerton Avenue Harrisburg, Pa.
November 2, 1998	DEP Southwest Regional Office 400 Waterfront Drive Pittsburgh, Pa.
November 4, 1998	DEP Northwest Regional Office 230 Chestnut Street Meadville, Pa.
November 5, 1998	DEP Northcentral Regional Office 208 North Third Street Williamsport, Pa.
November 9, 1998	DEP Northeast Regional Office Two Public Square Wilkes-Barre, Pa.
November 10, 1998	DEP Southeast Regional Office Lee Park, 555 North Lane Conshohocken, Pa.

The Department is specifically requesting comments on three issues.

First, the proposed regulation applies to all mobile equipment repair and refinishing facilities regardless of their size or the amount of material used. The Department requests comments on this approach.

Second, the Department is proposing that these facilities meet the permitting requirements contained in Chapter 127 of the Department's regulations. The Department is proposing to implement the permit program through the use of a general permit. The Department is also considering establishing a permit-by-rule for smaller facilities having less impact on air quality. The Department is requesting comments on these as well as any alternative permitting or approval methods that will simplify compliance with these requirements.

Finally, the Department is requesting comments on the applicability of the provisions related to application techniques, housekeeping, pollution prevention and training measures to rural areas of Pennsylvania where the VOC reductions may not have a significant impact on attainment.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, telephone (717)

787-4526, at least one (1) week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to ten minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodations in order to participate, should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15th Floor Rachel Carson State Office Building, P.O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by December 10, 1998. In addition to the written comments, interested persons may also submit a summary of their comments to the EQB. This summary may not exceed one (1) page in length and must be received by December 10, 1998. The summary will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments

Comments may be submitted electronically to the EQB at Regcomments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the EQB by December 10, 1998.

By:

James M. Seif
Chairman
Environmental Quality Board

ANNEX A

Title 25. Environmental Protection

Part I. Department of Environmental Protection

Subpart C. Protection of Natural Resources

Article III. Air Resources

Chapter 121. General Provisions

Chapter 121. General Provisions

121.1. Definitions.

The definitions in section 3 of the act (35 P.S. §4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

AUTOMOTIVE PRETREATMENT—A PRIMER THAT CONTAINS A MINIMUM OF 0.5 PERCENT ACID, BY WEIGHT, THAT IS APPLIED DIRECTLY TO BARE METAL SURFACES OF MOBILE EQUIPMENT AND MOBILE EQUIPMENT COMPONENTS TO PROVIDE CORROSION RESISTANCE AND TO PROMOTE ADHESION OF SUBSEQUENT COATINGS.

AUTOMOTIVE PRIMER-SURFACER—A COATING APPLIED TO MOBILE EQUIPMENT AND MOBILE EQUIPMENT COMPONENTS PRIOR TO THE APPLICATION OF TOPCOAT FOR THE PURPOSE OF FILLING SURFACE IMPERFECTIONS IN THE

SUBSTRATE, PROVIDING CORROSION RESISTANCE AND PROMOTING ADHESION OF SUBSEQUENT COATINGS.

AUTOMOBILE PRIMER-SEALER—A COATING APPLIED TO MOBILE EQUIPMENT AND MOBILE EQUIPMENT COMPONENTS PRIOR TO THE APPLICATION OF A TOPCOAT FOR THE PURPOSE OF PROVIDING CORROSION RESISTANCE, PROMOTING ADHESION OF SUBSEQUENT COATINGS, PROMOTING COLOR UNIFORMITY, AND PROMOTING THE ABILITY OF THE UNDERCOAT TO RESIST PENETRATION BY THE TOPCOAT.

AUTOMOTIVE SPECIALTY COATING—COATINGS INCLUDING, BUT NOT LIMITED TO ELASTOMERIC COATINGS AND ADHESION PROMOTERS FOR PLASTIC PARTS, ANTI-GLARE/SAFETY COATINGS, BRIGHT METAL TRIM REPAIR COATINGS, IMPACT RESISTANT COATINGS, RUBBERIZED ASPHALTIC UNDERBODY COATINGS, UNIFORM FINISH BLENDERS, WELD-THROUGH PRIMERS APPLIED TO AUTOMOTIVE SURFACES AND LACQUER TOPCOATS APPLIED TO A CLASSIC MOTOR VEHICLE OR TO AN ANTIQUE MOTOR VEHICLE.

AUTOMOTIVE TOPCOAT—A COATING OR SERIES OF COATINGS APPLIED OVER AN AUTOMOTIVE PRIMER-SURFACER, AUTOMOTIVE PRIMER-SEALER OR EXISTING FINISH ON THE SURFACE OF MOBILE EQUIPMENT AND MOBILE EQUIPMENT COMPONENTS FOR THE PURPOSE OF PROTECTION OR BEAUTIFICATION.

* * * * *

ANTIQUÉ MOTOR VEHICLE—A MOTOR VEHICLE, BUT NOT A REPRODUCTION THEREOF, MANUFACTURED MORE THAN 25 YEARS PRIOR TO THE CURRENT YEAR WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A CONDITION WHICH IS SUBSTANTIALLY IN CONFORMANCE WITH MANUFACTURER SPECIFICATIONS.

* * * * *

CLASSIC MOTOR VEHICLE—A MOTOR VEHICLE, BUT NOT A REPRODUCTION THEREOF, MANUFACTURED AT LEAST 15 YEARS PRIOR TO THE CURRENT YEAR WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A CONDITION WHICH IS SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND APPEARANCE.

* * * * *

MOBILE EQUIPMENT--EQUIPMENT WHICH MAY BE DRIVEN OR IS CAPABLE OF BEING DRIVEN ON A ROADWAY INCLUDING, BUT NOT LIMITED TO:

(I) AUTOMOBILES

(II) TRUCKS, TRUCK CABS, TRUCK BODIES AND TRUCK TRAILERS;

(III) BUSES;

(IV) MOTORCYCLES;

(V) UTILITY BODIES;

(VI) CAMPER SHELLS;

(VII) MOBILE CRANES;

(VIII) BULLDOZERS;

(IX) STREET CLEANERS;

(X) GOLF CARTS;

(XI) GROUND SUPPORT VEHICLES, USED IN SUPPORT OF AIRCRAFT ACTIVITIES AT AIRPORTS; AND

(XII) FARM EQUIPMENT.

* * * * *

**TOUCH UP REPAIR—THE APPLICATION OF AUTOMOTIVE TOPCOAT FINISH
MATERIALS TO COVER MINOR FINISHING IMPERFECTIONS EQUAL TO OR LESS
THAN 1 INCH IN DIAMETER.**

CHAPTER 129. STANDARDS FOR SOURCES

* * * * *

SOURCES OF VOCs

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Editors Note: Section 129.75 is new and is printed in regular type to enhance readability.

§ 129.75. Mobile equipment repair and refinishing.

(a) Except as provided in paragraph (b) the requirements of this section apply to a person who applies mobile equipment repair and refinishing or color matched coatings to mobile equipment or mobile equipment components.

(b) This section does not apply to a person who applies surface coatings to mobile equipment or mobile equipment components under one of the following circumstances:

- (1) The surface coating process is subject to the miscellaneous metal parts finishing requirements of § 129.52 (relating to surface coating processes).
- (2) The surface coating process is at an automobile assembly plant.
- (3) The person applying the coatings does not receive compensation for the application of the coatings.

(c) The owner and the operator of an existing facility shall provide the Department with an identification of each facility to which this section applies on or before _____ (one hundred twenty days following the date of publication of the final rulemaking in the *Pennsylvania Bulletin*), including:

- (1) The name of the facility;
- (2) The location and address of the facility;

- (3) The responsible official at the facility;
- (4) Telephone number of the facility; and
- (5) Number of employees at the facility.

(d) After _____ (the date of publication of the final rulemaking in the *Pennsylvania Bulletin*) the owner and operator of a new facility subject to this section shall provide notification to the Department immediately upon start-up of the facility which starts operation.

(e) Beginning _____ (twelve months after the date of publication of the final rulemaking in the *Pennsylvania Bulletin*) a person shall not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat, and automotive specialty coatings including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOC's in excess of the limits specified in Table III.

Table III
Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings

<i>Allowable VOC Content</i>		
<i>(as applied)</i>		
Weight of VOC per Volume of Coating (minus water and non-VOC solvents)		
<i>Coating Type</i>	<i>Limit</i> <i>Pounds</i> <i>per Gallon</i>	<i>Grams per</i> <i>Liter</i>
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive specialty	7.0	840

(f) A person who provides mobile equipment repair and refinishing coatings subject to this section shall provide documentation concerning the VOC content of the coatings calculated in accordance with the following:

(1) The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds shall be calculated by the following equation:

$$VOC = \frac{(Wv - Ww - Wex)(Dc)}{100\% - (Ww)(Dc/Dw) - (Wex)(Dc/Dex)}$$

where:

VOC = VOC content in grams per liter (g/l) of coating less water and non-VOC solvents,

Wv = weight of total volatiles, % (100% - weight % nonvolatiles),

Ww = weight of water, %,

Wex = weight of non-VOC solvents, %,

Dc = density of coating, g/l at 25° c,

Dw = density of water, g/l at 25° c (0.997 x 10³), and

Dex = density of exempt solvent, g/l, at 25° c

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345 x 10⁻³ (lb/gal/g/l).

(2) The VOC content of a multi-stage topcoat shall be calculated by the following equation:

$$VOC_{multi} = \frac{VOC_{bc} + \sum_{i=0}^M VOC_{mci} + 2(VOC_{cc})}{M + 3}$$

where:

VOC_{multi} = VOC content of multistage topcoat, g/l

VOC_{bc} = VOC content of basecoat, g/l

VOC_{mci} = VOC content of the midcoat(s), g/l

VOC_{cc} = VOC content of the clear coat, g/l

M = number of midcoats

(g) Beginning _____ (twelve months after the date of publication of the final rulemaking in the *Pennsylvania Bulletin*) a person at an existing facility subject to the provisions of this section shall use one or more of the following application techniques to apply any finish material listed in Table III.:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure (HVLP) spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(h) Any new facility which starts operation after _____ (the date of publication of the final rulemaking in the *Pennsylvania Bulletin*) shall use one or more of the following application techniques to apply to mobile equipment and mobile equipment components any finish material listed in Table III.:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure (HVLP) spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(i) The following situations are exempt from the application equipment requirements listed in paragraphs (g) and (h):

(1) The use of airbrush application methods for stenciling, lettering, and other identification markings;

(2) The application of coatings sold in nonrefillable aerosol containers;

(3) The application of touch-up and repair finish materials by brush.

(j) Spray guns used to apply mobile equipment repair and refinishing coatings must be cleaned by one of the following:

(1) An enclosed spray gun cleaning system that is kept closed when not in use;

(2) Unatomized discharge of solvent into a paint waste container that is kept closed when not in use;

(3) Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use;

(4) Atomized spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions.

(k) The owner and operator of a facility subject to the provisions of this section shall implement the following housekeeping and pollution prevention and training measures :

(1) All fresh and used coatings, solvent, and cleaning solvents, shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying.

(2) Cloth and paper, or other absorbent applicators, moistened with coatings, solvents, or cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers.

(3) Handling and transfer procedures shall minimize spills during the transfer of coatings, solvents, and cleaning solvents.

(4) Ensure that a person who applies mobile equipment repair and refinishing coatings has completed training in the proper use and handling of the mobile equipment repair and refinishing coatings, solvents and waste products in order to minimize the emission of air contaminants and to comply with this section.

(l) On or before _____ (fifteen months after the date of publication of the final rulemaking in the *Pennsylvania Bulletin*) the owner and operator of a facility subject to this section shall apply for a permit in accordance with the provisions of Chapter 127.



Pennsylvania Department of Environmental Protection

**Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
September 8, 1998**

The Secretary

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
Harrisburg, PA 17101

RE: Proposed Rulemaking: Mobile Equipment Repair and Refinishing (#7-334)

Dear Bob:

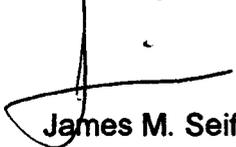
Enclosed is a copy of a proposed regulation for review and comment by your Committee pursuant to Section 5(a) of the Regulatory Review Act. This proposal is scheduled for publication as a proposed rulemaking in the *Pennsylvania Bulletin* on September 26, 1998, with a 75-day public comment period. A series of public information meetings and six public hearings have been scheduled as indicated on the enclosed notice. This proposal was approved by the Environmental Quality Board (EQB) on January 20, 1998.

This proposal implements one of the recommendations of both the Southwest and Southeast Ozone Stakeholder Working Groups and establishes specific requirements to control volatile organic compound (VOC) emissions from mobile equipment repair and refinishing operations. The proposal establishes limits on automotive refinish materials, specifies pollution prevention practices and finish application technologies, and requires permitting of automotive refinish facilities. The VOC limits specified for automotive refinish products are those contained in a proposed EPA rule relating to the manufacture and sale of automotive refinish materials. The pollution prevention practices include requirements for the use of high transfer efficiency finish application equipment and specify solvent management practices. The permitting requirements specify that any facility which applies automotive refinish materials for compensation must obtain a permit. Individuals such as hobbyists who are not compensated will not be subject to the proposed regulations.

The Department will provide the Commission with any assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Act provides that the Commission may, within ten days after the expiration of the Committee review period, notify the agency of any objections. The Department will consider any comments or suggestions received by the Commission, together with Committee and public comments prior to final adoption.

For additional information, please contact Sharon Freeman, Regulatory Coordinator, at 783-1303.

Sincerely,



James M. Seif
Secretary

Enclosures

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

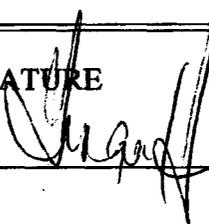
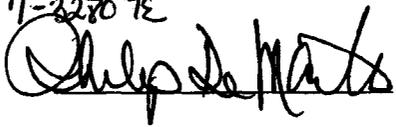
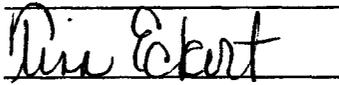
I.D. NUMBER: 7-334
SUBJECT: Mobile Equipment Repair and Refinishing
AGENCY: Department of Environmental Protection

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REGISTRATION

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

DATE	SIGNATURE	FILING OF REGULATION DESIGNATION
9-8-98		HOUSE COMMITTEE ON ENVIRONMENTAL PROTECTION & ENERGY
Derinda 9/8/98	7-3270 TE 	SENATE COMMITTEE ON ENVIRONMENTAL PROTECTION & ENERGY
4/8/98		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
9-8-98		LEGISLATIVE REFERENCE BUREAU

February 20, 1998