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Tate, Michele

From: Thorp, Ellen [ellen.thorp@epdmroofs.org]

Sent: Monday, June 01, 2009 2:41 PM

To: EP, RegComments

Subject: Regulation ID# 7-428 (IRRC# 2755)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Written comments attached concerning Regulation ID# 7-428 (IRRC# 2755),

regarding
Adhesives, Sealants, Primers, and Solvents [25 Pa. Code, Chapter 129.77 (m) and 130.703 (c)]

Please contact if submission does not go through. Thank you

Ellen Thorp
Associate Executive Director
EPDM Roofing Association
301-654-5091
www.epdmroofs.org
ellen.thorp@epdmroofs.org



June 1, 2009

Environmental Quality Board of the Commonwealth of Pennsylvania

Re: Regulation ID# 7-428 (IRRC# 2755), Adhesives, Sealants, Primers, Solvents 25 Pa. Code Chapters 129,130 via e-mail to regcomments@state.pa.us

Dear Members of the Environmental Quality Board:

The EPDM Roofing Association (ERA) is comprised of members who manufacture and distribute EPDM rubber roofing membrane. EPDM has been a leading choice of the low-slope commercial roofing industry for over 40 years, with more than 500,000 warranted roof installations on 20 billion-plus square feet. Annually, EPDM accounts for over 1 billion square feet of new roof coverings in the United States, and is the most frequently used roofing material in the marketplace. Based on industry shipment data, no other single commercial roofing membrane is used as widely in Pennsylvania as EPDM, accounting for over 90 million square feet of commercial roof surface area and over 50% of all commercial low-slope roofing installations.

As ERA is the voice of the suppliers of more than half the commercial roofing installations in the Commonwealth of Pennsylvania, we remain committed to developing a "win-win" solution that effectively mitigates ground level ozone formation in your state while also preserving the integrity and dependability of the commercial roofing system of choice for your citizens.

ERA is very grateful that the Pennsylvania DEP and EQB have amended the language from the original draft of Adhesives, Sealants, Primers, and Solvents [25 Pa. Code, Chapter 129.77 (m) and 130.703 (c)] to include a seasonal implementation plan. Since that time, several other states have promulgated regulations that also include the language that ERA is seeking:

Language concerning the use of adhesives, sealants, and primers for use with single-ply roofing membranes be consistent with all other states with final regulations and allow for a seasonal, phased-in implementation schedule of May 1 – September 30 in 2010 and 2011. *See attached matrix of states with finalized regulations.*

ERA has consistently recommended a seasonal phase-in to VOC regulation, requiring the use of VOC-compliant adhesives during the warmer "ozone season" months while continuing to allow higher VOC adhesives during the colder months for a period of time necessary for EPDM roofing manufacturers and Pennsylvania roofing contractors to perfect the application practices that could be effective on a year-round basis. Not only would such a seasonal phase-in be highly effective in restricting adhesive-related VOCs during the ozone season, but it would also allow roofing contractors to continue to provide worry-free EPDM roofing systems and repairs to the building owners of Pennsylvania without significant disruption on a year-round basis. A seasonal phase-in also would provide adequate time for the industry to continue to field test new VOC-compliant adhesive formulations during colder months, while also allowing the time needed to train the approximately 25,000 roofing crew members employed in Pennsylvania in the effective use of VOC-compliant adhesives under colder temperature conditions.

Documentation for this seasonal approach was provided previously in the research report, "The Low-Slope Commercial Roofing Industry in the Northeast United States and the Ozone Transport Commission Model Rule for Adhesives and Sealants: A Study of Risks and Options for Effective Implementation" conducted by TEGNOS Research, Inc.

ERA representatives and local roofing contractors provided testimony at the EQB hearings in Pittsburgh, Norristown, and Harrisburg. We are grateful for the opportunity to also provide written comments and would be happy to answer any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared O. Blum".

Jared O. Blum
Executive Director



Overview of passed and pending regulations in Northeast and Mid-Atlantic states concerning emissions of volatile organic compounds from adhesives and sealants.
Updated June 1, 2009

States	Contact	Website	Implementation Dates
Connecticut Regulation in place, published 10-03-08. Seasonal implementation	Anne Hulick Connecticut Department of Environmental Protection Bureau of Air Management 79 Elm Street Hartford, CT 06106-5127	http://www.ct.gov/dep/lib/dep/regulations/22a/22a-174-1through200.pdf Sec 22a-174-44 Adhesives and sealants p. 702 (c) (10)	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Delaware Regulation in place, effective April 11, 2009. Seasonal implementation	Gene Pettingill Gene.Pettingill@state.de.us Ron Amirikian Air Quality Management Section, Division of Air and Waste Management 302-739-9402	http://regulations.delaware.gov/register/april2009/final/12%20DE%20Reg%201333%2004-01-09.htm Section 4.0, Part 3 Requirements, Table 4-1 VOC Limits	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Maine Regulation has been proposed. Draft amended to include seasonal implementation.	Staff Contact: Andrea Lani Bureau of Air Quality Department of Environmental Protection State House Station 17 August, ME 04333 207-287-2437 Andrea.lani@maine.gov	http://www.maine.gov/dep/air/regulations/index.htm Chapter 159 Draft Language: http://www.maine.gov/dep/bep/agenda.htm scroll down to 159 Seasonal Implementation: 3 (F)	Final rule pending, draft indicates 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Maryland Regulation in place, published April 2008. Amendment effective 2/9/09	Ms. Deborah Rabin Regulations Coordinator, Air and Radiation Management Maryland DOE And/or Dr. Husein Waheed, Regulation and Compliance Engineer 410-537-3238	http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.htm go to 26.11.35.01 Subsection I (that's the letter I, not the number 1)	2009: 5/15 – 9/15 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
New Jersey Regulation published 12/1/08. Seasonal implementation	Alice A. Previte, Esq. New Jersey Department of Environmental Protection Office of Legal Affairs P.O. Box 402 Trenton, NJ 08625	Section 7:27-26.4 (h) http://www.state.nj.us/dep/agm/Sub26.pdf	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Rhode Island Regulation final. Seasonal implementation.	Barbara Morrin Air Resources-DEM 235 Promenade Street Providence, RI 02908 401-222-2808 x7012	APC. Regulation No. 44 http://www.dem.ri.gov/programs/benviron/air/25313344.htm 44.2.2	2009: 7/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter