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October 12, 2015

Environmental Quality Board
Rachel Carson State Office Bldg. 16th Flr
400 Market Street
Harrisburg, PA 17101-2301

RE: Proposed Rulemaking: *Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes, and Pleasure Craft Surface Coatings*, 25 Pa. Code § 129.52d

Dear Board:

GE Transportation ("GET") is writing to respond to the request for comment by the Pennsylvania Environmental Quality Board ("Board") on the proposed rule, *Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes, and Pleasure Craft Surface Coatings*, 25 Pa. Code § 129.52d (Aug. 8, 2015). Specifically, we are addressing the provisions applicable to miscellaneous metal parts surface coating processes.

As a general matter, GET supports the proposed rule in 25 Pa. Code § 129.52d to require reasonably available control technology ("RACT") requirements and RACT emissions limitations for stationary sources of VOC emissions from metal parts surface coating operations. GET notes that these changes are consistent with the U.S. Environmental Protection Agency's ("U.S. EPA") Control Techniques Guidelines ("CTGs") issued in 2008 (Document No. EPA-453/R-08-003). GET provides comments herein on the Board's proposed compliance date of January 1, 2016 and seeks clarification related to the exemption for aerosol coatings in § 129.52d(a)(5) of the proposed rule.

I. COMPLIANCE DATE OF JANUARY 1, 2016

The preamble to this rulemaking proposes to establish a compliance date of January 1, 2016; however, the Board requested comments regarding a later compliance date of May 1, 2016. GET is supportive of a compliance date of May 1, 2016 or later for a variety of reasons. In order to achieve compliance with the emissions limitations established by the proposed rule, manufacturers will need time to switch to low VOC coatings and/or implement new technology for application of VOC coatings. Substitutions to lower VOC coatings must be evaluated by manufacturers to ensure that they will meet customer and quality requirements. Implementation of new technology by manufacturers requires both lead time for ordering and installing the new technology, as well as time for training employees to properly use the new equipment. For these reasons, GET recommends a compliance date no sooner than May 1, 2016.

II. AEROSOL COATINGS EXEMPTION

Section 129.52d(a)(5)(i) of the proposed rule provides an exemption from the requirements of 25 Pa. Code § 129.52d for aerosol coatings. GET is supportive of the exemption for aerosol coatings, but seeks clarification from the Board that aerosol coatings – specifically, hand-held aerosol cans – are also exempt from 25 Pa. Code § 129.52. The Board should revise § 129.52 and § 129.52d to more clearly state that aerosol coatings are exempt from both provisions.

The current exemption for aerosol coatings in § 129.52d(a)(5) is confusing because aerosol coatings are listed with other excluded surface coating categories that have their own separate emissions limits beyond the proposed rulemaking. For example, large appliance and metal furniture coatings are exempt pursuant to §§ 129.52d(a)(5)(x) and (xi) and separately regulated under § 129.52a. Section 129.52a(a)(2) clearly states that § 129.52a supersedes the emissions limits and other requirements of § 129.52 for large appliance and metal furniture coatings. Specifically, § 129.52a states:

The emission limits and other requirements of this section supersede the emission limits and other requirements of § 129.52 (relating to surface coating processes) for large appliance and metal furniture surface coating processes.

The surface coating regulations also includes language in § 129.52 to state that the new section 129.52a for large appliance and metal furniture surface coating processes superseded § 129.52. Section § 129.52(i) states:

Beginning January 1, 2011, the requirements and limits for metal furniture coatings and large appliance coatings in this section are superseded by the requirements and limits in § 129.52a (relating to control of VOC emissions from large appliance and metal furniture surface coating processes).

Unlike large appliance and metal furniture surface coating processes, aerosol coatings are not regulated by separate categorical limits. Additionally, because aerosol coatings are exempt from § 129.52d, they are not covered by § 129.52d(a)(3), which states that compliance with the limits in § 129.52d assures compliance with the limits in § 129.52, Table 1, Category 10. Thus, it is not clear that aerosol coatings are exempt from both § 129.52d and § 129.52. In order to clarify the exemption for aerosol coatings, GET recommends that the Board revise § 129.52 to include a specific exemption for aerosol coatings or include a provision similar to § 129.52(i) stating that the requirements and limits for miscellaneous metal parts coatings are superseded by § 129.52d. Additionally, GET recommends that the Board include a provision in § 129.52d – like § 129.52a(a)(2) – that clearly states that § 129.52d supersedes the emissions limits and other requirements of § 129.52.

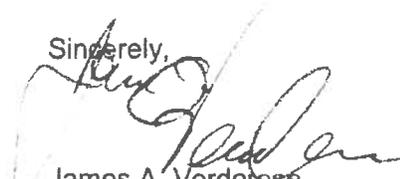
These recommended revisions to § 129.52 and § 129.52d to exempt aerosol coatings are supported by the U.S. EPA's regulations and CTGs. The federal NESHAP for Miscellaneous Metal Parts and Products (40 CFR Part 63, Subpart Mmmm) excludes the use of hand-held nonrefillable aerosol containers and touch-up bottles from the federal definition of "coating operations" that are subject to federal HAP limits. (40 CFR 63.3881). Moreover, US EPA's CTGs explain on page 16 that "(t)hree Section 183(e) categories (aerosol coatings, architectural coatings, and automobile refinish coatings) are regulated by national VOC rules. Aerosol coatings are not included in the miscellaneous metal parts or plastic parts coating categories." Page 30 of the CTGs elaborates on the exclusion of aerosol coatings from the VOC limitations as follows:

Consistent with the State rules which are the basis for the recommended VOC limits, we are recommending that the recommended VOC limits and application methods not apply to certain types of coatings and coating operations. For all coating operations, we are recommending that the recommended VOC limits and application methods not apply to aerosol coating products or powder coatings. Aerosol coatings are a separate category under Section 183(e), and powder coatings are an inherently low-VOC alternative to many liquid coatings

In its Clean Air Act Section 183(e) listing for aerosol coatings, U.S. EPA explained the technical basis for treating aerosol coatings differently than miscellaneous metal products coatings. U.S. EPA noted that the most effective means of preventing ozone formation from aerosol coatings is not the traditional mass-based approach focusing on the amount of VOC per unit product, but rather to address the reactivity of the coating to form ground-level ozone. With federal regulations governing aerosol coatings already in effect on the national level (40 CFR Part 59, Subpart E), there is no need or basis for separate regulation of this source category at the state level. The aerosol coatings currently in use have been formulated to minimize the total reactivity of their volatile organic components (with technological and economic feasibility limits taken into consideration). The federal NESHAP for Miscellaneous Metal Parts and Products and the CTGs provide further support for not applying sector-specific VOC limitations to aerosol coatings. Accordingly, the Board should revise proposed 25 Pa. Code § 129.52d and § 129.52 to clarify that aerosol coatings are exempt from regulation under both provisions.

We appreciate the opportunity to provide our comments and would be happy to discuss any questions that the Board may have.

Sincerely,



James A. Verderese
Environmental Manager