

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-492 (IRRC #3173)

Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NO_x and VOCs

September 20, 2017

We submit for your consideration the following comments on the proposed rulemaking published in the June 17, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest; Clarity and lack of ambiguity; Reasonableness of requirements, implementation procedures and timetables for compliance.

The U.S. Environmental Protection Agency, Region III (EPA) cites several concerns in its comments related to the new rule in Section 129.63a and proposed amendments to the RACT II rule in Section 129.96. Because EPA's comments relate to our criteria regarding implementation, ambiguity, reasonableness and clarity, we share EPA's concerns and incorporate them into the Commission's comments on this proposed regulation. EQB should carefully review EPA's comments and work closely with it to make the necessary amendments to bring this regulation into compliance with federal requirements. We will consider EQB's response to EPA in making a final determination as to whether the regulation is in the public interest.

2. Section 129.63a. Control of VOC emissions from industrial cleaning solvents. – Reasonableness of requirements.

Members of the regulated community request revisions to and clarification of the exemptions under Subsection (c) (relating to exceptions and exemptions) and Subsection (e) (relating to emissions limitations). Comments include the following:

- Lockheed Martin asks EQB to modify the regulation to include an exemption for other non-coating application/activities that are critical to aerospace manufacturing and rework facilities. Likewise, Boeing Company states that the term "aerospace coatings" could be

interpreted to limit the exemption to aerospace solvent cleaning activities associated with “coatings” only.

- East Penn Manufacturing states that it is “technically infeasible to use an alternate solvent wiping solution for battery cleaning operations” and that the use of an emissions capture system and add-on air pollution control device to abate volatile organic compound emissions from a battery cleaning operation is not cost-effective.

We ask EQB to clarify and explain the reasonableness of exemptions and compliance options in the final-form regulation.