

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-568 (IRRC #3329)

VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coatings, Large Petroleum Dry Cleaning Facilities and Synthetic Organic Chemical Manufacturing Industry Processes for the 2015 Ozone NAAQS

May 4, 2022

We submit for your consideration the following comments on the proposed rulemaking published in the January 29, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Section 121.1. Definitions. – Clarity.

“Nuclear specialty coating”

Subparagraph (B) requires a protective coating used to seal porous surfaces to: “. . . Be relatively easy to decontaminate.” Federal regulations include a reference to “ASTM 4256-89 or 94” for this particular requirement. *See* 40 CFR § 63.782. For consistency, we ask the Board to include the reference to “ASTM 4256-89 or 94” in the final rulemaking or to explain why it is not needed.

“Thinning ratio”

“Thinning ratio” is defined as “[t]he volumetric ratio of thinner to coating, **as supplied.**” [Emphasis added.] Federal regulations provide a definition for the term “[a]s supplied” to mean “the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.” *See* 40 CFR § 63.782. In order to provide greater clarity to the regulated community, we recommend the Board include the definition of “as supplied” in the final-form regulation or explain why it is not necessary.

2. Miscellaneous. – Clarity.

We ask the Board to review the commentator’s suggestion regarding a typographical error related to footnote "b" associated with proposed revisions to Table I Emission Limits of VOCs in Surface Coatings by Process Category Weight of VOC per Volume of Coating Solids and to make the necessary correction, if appropriate.