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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

January 20, 2010

Honorable John Hanger, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Regulation #7-447 (IRRC #2801)
Environmental Quality Board
Flat Wood Paneling Surface Coating Processes

Dear Chairman Hanger:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Mary Jo White, Majority Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee
Honorable Camille George, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Scott E. Hutchinson, Minority Chairman, House Environmental Resources and Energy Committee
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-447 (IRRC #2801)

Flat Wood Paneling Surface Coating Processes

January 20, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *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. General. – Fiscal impact; Feasibility; Reasonableness.

In the preamble and the Regulatory Analysis Form (#17), the Board estimates the compliance costs for non-complying facilities would range from \$28,842 to \$86,000, based on an operation changing from solvent-based coatings to water-based coatings. The Board specifically estimates that the costs for CraftMaster Manufacturing, Inc. (CraftMaster) would be \$28,842. However, CraftMaster asserts that there are some circumstances that would require installation of a control device which would be substantially higher in cost. In those situations, CraftMaster estimates that the cost would be closer to \$43,000 per ton of VOC reduction which, CraftMaster asserts, exceeds any known “reasonably available control technology” cost-effectiveness criterion.

CraftMaster further asserts that the additional costs of daily recordkeeping and enclosure of coatings and coatings-related wastes and clean-up materials have not been evaluated.

The Board should address the fiscal impact concerns raised by CraftMaster in the preamble and RAF that accompany the final-form regulation.

2. Section 121.1. Definitions. – Clarity.

Non-regulatory language

The second sentences in the definitions of “Decorative interior panel,” “Exterior siding” and “Exterior trim” contain non-regulatory language. These sentences would be more appropriate in the preamble and should be deleted from the definitions.

MDF – Medium density fiberboard

This definition contains the phrase “engineered wood panel product.” To improve clarity, we recommend the Board define this term in the final-form regulation.

Tileboard

Under this definition, what is a “premium interior wall paneling product”? We recommend that the Board define this term in the final-form regulation.

Also, Section 1.7(e) of the Pennsylvania Code and Bulletin *Style Manual* states that a “...term being defined may not be included as part of the definition.” Therefore, the word “Tileboard” at the beginning of the second sentence should be deleted.

3. Section 129.52c. Control of VOC emissions from flat wood paneling surface coating processes. – Feasibility; Need; Reasonableness; Clarity.

Subsection (d)

CraftMaster asserts that the daily recordkeeping required under this subsection is burdensome with no known benefit. In the preamble to the final-form regulation, the Board should explain the basis and need for requiring daily recordkeeping.

Subsection (e)

This subsection is unclear as to what format the records should be maintained. Also, will requests for submission of records by the Department be made orally or in writing? These items should be clarified in the final-form regulation.

Subsection (f)

This subsection sets forth the application methods that are approved for use by surface coating operations (SCO). However, CraftMaster asserts that these are not the only technically feasible methods used by SCOs. It further states that airless sprays are used in many instances. The Board should consider adding airless sprays to the list, or explain why airless sprays should not be included.

Subsections (h) and (i)

These subsections contain work practice requirements for coating-related activities and cleaning materials, including requirements for enclosure of the related materials. CraftMaster asserts that it is not technically feasible or cost-effective to enclose materials where coatings are water-based “complying coatings,” the cleaning material is limited to water and wastes are treated on-site. The Board should explain why it is necessary to fully enclose all coatings and coating-related waste materials.

Facsimile Cover Sheet

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333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Debra L. Failor
Agency: Environmental Quality Board
Phone: 7-2814
Fax: 705-4980
Date: January 20, 2010
Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Environmental Quality Board's regulation #7-447 (IRRC #2801). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:James J. Adema**Date:**1/20/10