

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CONCISE EXPLANATORY STATEMENT**

**AGENCY:** Department of Environmental Management

**DIVISION:** Office of Air Resources

**RULE IDENTIFIER:** 250-RICR-120-05-35

**RULE TITLE:** Part 35 Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations

**REASON FOR RULEMAKING:** The purpose of this regulation is to limit emissions of volatile organic compounds and hazardous air pollutants from wood products manufacturing operations. The Department of Environmental Management, Office of Air Resources is proposing to amend Part 35 to meet the requirements contained in the EPA Control Technique Guideline Document, "Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations" and the requirements contained in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for wood furniture manufacturing operations. Additionally, definitions have been added and portions of the regulation that no longer apply have been eliminated. The regulation has been updated to current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE**

**EFFECTIVENESS OF THE RULE:** not applicable

**TESTIMONY AND COMMENTS:** Comments were received from the US Environmental Protection Agency and the American Coatings Association.

**CHANGE TO TEXT OF THE RULE:** As a result of comments received a compliance date was added giving affected sources one year to comply with the new emissions limitations.

**REGULATORY ANALYSIS:** On March 6, 2017, EPA issued a finding of failure to submit to Rhode Island for failure to submit required State Implementation Plan (SIP) components to address Clean Air Act requirements for the 2008 Ozone National Ambient Air Quality Standard. The finding establishes deadlines by which states either must submit complete SIP revisions or become subject to sanctions. The offset sanction is currently in place.

Specifically, 40 CFR § 51.1116 required RI to submit a SIP revision that meets the requirements of Section 184(b) of the Clean Air Act. Section 184(b) requires states in the ozone transport region to implement or update reasonably available control technology (RACT) controls on all major VOC and NO<sub>x</sub> emission sources and on source categories covered by a Control Technique Guideline (CTG) document. In 2006, EPA published a CTG recommending VOC

controls for wood furniture manufacturing operations. The Department is proposing to incorporate this CTG into Part 35, "Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Product Manufacturing Operations," which will be submitted to the U.S. Environmental Protection Agency for approval in Rhode Island's State Implementation Plan. RI must make a complete SIP submission by March 6, 2019, or further sanctions may be imposed.

Additionally, in 2016, the state revised the Administrative Procedures Act to require that every state regulation be rewritten into the new RICR format by December 31, 2018, or it will no longer be enforceable. In order to meet this requirement, Part 35 is being revised to the required RICR format which included the addition of an incorporated materials section.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:**