

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Air Pollution Control Regulation No. 35- Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations

Rule Identifier: 250-RICR-120-05-35

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/30/2018

End of Public Comment: 11/30/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 42-17.1-2(19)

R.I. Gen. Laws Chapter 23-23

R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

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.

Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members, an oral hearing will be granted if requested by one (1) or more persons during the public comment period.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 30, 2018 by contacting the appropriate party at the address listed below:

Karen Slattery
Department of Environmental Management
235 Promenade Street
Providence, RI 02908
karen.slattery@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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_x 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.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department's website (<http://www.dem.ri.gov/documents/regulations/>).

For full regulatory analysis or supporting documentation see agency contact person above.

