

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-120-05-36

RULE TITLE: Part 36 "Control of Emissions from Organic Solvent Cleaning"

REASON FOR RULEMAKING: The purpose of this regulation is to limit volatile organic compound emissions from solvent cleaning operations. The regulation is being amended to incorporate requirements for industrial cleaning solvents used at facilities whose emissions of volatile organic compounds (VOC) from industrial cleaning operations are greater than 2.7 tons in any twelvemonth period. The rule exempts cleaning activities associated with several source categories already regulated in existing air pollution control regulations. The amendments include work practice requirements, limitations on the VOC content of solvents used for industrial solvent cleaning and recordkeeping requirements. The Department is proposing to eliminate portions of the regulation that no longer apply. Additionally, 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 Eimmunex RI, a subsidiary of Amgen. The Decision addressing the comments is attached.

CHANGE TO TEXT OF THE RULE: The Decision addressing the comments is attached.

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 NOx emission sources and on source categories covered by a Control Technique Guideline (CTG)

document. In 2006, EPA published a CTG recommending VOC controls for industrial solvent cleaning activities. The Department is proposing to incorporate this CTG into Part 36, "Control of Emissions from Organic Solvent Cleaning," 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 36 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: