

State of Rhode Island
Department of Environmental Management
Office of Air Resources

In re: Proposed amendment of 250-RICR-120-05-19, 'Control of Volatile Organic Compounds from Surface Coating Operations'

DECISION

Introduction

On May 14, 2019 a notice was posted on the websites of the Rhode Island Department of Environmental Management (RI DEM) and the Rhode Island Office of Secretary of State and was sent to interested parties announcing a public comment period to accept comments on the amendments to 250-RICR-120-05-19, "Control of VOC Emissions from Surface Coating Operations" (Part 19). The notice stated that a public hearing would be held if requested by one or more persons. No request for a public hearing was received. The public comment period ended at 4:00 PM on June 14, 2019.

The purpose of this regulation is to limit emissions of volatile organic compounds from coating operations. The Department is proposing to amend Part 19 to meet the requirements contained in the following EPA Control Technique Guideline Documents; Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Control Techniques Guidelines for Flat Wood Paneling Coatings, Control Techniques Guidelines for Paper, Film, and Foil Coatings, Control Techniques Guidelines for Metal Furniture Coating, and Control Techniques Guidelines for Large Appliance Coating. The amendments include revised and new VOC content limitations for paper, film and foil coating, metal furniture coating, large appliance coating, miscellaneous metal and plastic parts coating, and flatwood paneling. The proposed miscellaneous metal and plastic parts coating category contains new specific VOC content limitations for automotive/transportation, business machines, and pleasure craft coatings. The VOC content limitations proposed meet and do not exceed current EPA requirements.

The proposed compliance date for the proposed emissions limitations is July 1, 2020. The applicability threshold is proposed to be changed from the existing threshold of VOC emissions greater than or equal to 15 pounds per day in any one day from surface coating operations to the equivalent twelve month applicability threshold of VOC emissions greater than or equal to 2.7 tons per rolling 12month period for new and existing categories, except the paper, film and foil coating category which is proposed to have an applicability threshold of the potential to emit 25 tons VOC per year from an individual coating line.

Written comments were received from the American Coating Association (ACA) and the United States Environmental Protection Agency (USEPA). The following is the Office of Air Resources' responses to the comments received:

Response to Comments

Comment: EPA has reviewed Rhode Island’s proposal and finds that the revised regulation is generally consistent with EPA guidance. (USEPA)

Response: No response required.

Comment: The “Application” section in this regulation is problematic for EPA to approve because it states that the “regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.” While this provision may be appropriate as a matter of state law, this provision provides Rhode Island with broad discretion, akin to a Director’s discretion provision. This language is not sufficiently defined so that EPA or the public will understand the “purposes of state law, goals and policies” for the regulation in question. Therefore, when Rhode Island submits this rule to EPA, please omit or revise the “Application” section. (USEPA)

Response: When DEM submits this regulations to EPA, as a revision to the RI SIP, the “Application” section in the regulation will be stricken.

Comment: The draft emission limits for metal furniture coating and miscellaneous metal and plastic part product coating operations are consistent with EPA’s 2008 Control Techniques Guideline (CTG) document for these categories. However, the limits for certain specialty coatings are less stringent the current SIP-approved rule. Therefore, when you submit your regulation for EPA approval, please show how the regulation meets anti-backsliding provisions of Section 119(l) of the Clean Air Act. These provisions might be met, for example, by stating that the revised regulation includes emission limits for some large use categories (i.e. one-component and multi-component general use coatings) that are more stringent than the SIP-approved rule provided the more stringent limits offset any relaxation in provisions for specialty coatings. For more information, see the enclosed EPA memorandum, “Approving SIP Revisions Addressing VOC RACT Requirement for Certain Coatings Categories,” dated March 17, 2011. (USEPA)

Response: Although a few proposed coating limits in Part 19 are less stringent than the current limits, most of the proposed limits are more stringent and more coating categories are being regulated. The combination of new coating categories, more stringent limits and broader applicability means that Part 19 will be more protective of air quality than the current Part 19. RIDEM will address EPA’s concerns in more detail in the SIP revision following completion of the rule making process.

Comment: The draft limits for Extreme High Gloss Topcoat and Other Substrate Antifoulant Coating are less Stringent than the EPA CTG for Miscellaneous Metal and Plastic

Parts Coating operations. In addition, the antifouling sealer/Tie Coating category has a less stringent limit than the CTG Other Substrate Antifoulant category. Therefore, when the revised rule is submitted to EPA, please include an explanation describing how the rule is consistent with the CTGs. For more information, see the enclosed memorandum, "Control Technique Guidelines for Miscellaneous Metal and Plastic Part Coating – Industry Request for Reconsideration," dated June 1, 2010. (USEPA)

Response: The draft limits for Extreme High Gloss Topcoat and Other Substrate Antifoulant Coating in the proposed rule are consistent with the EPA CTG for Miscellaneous Metal and Plastic Parts Coating operations, however, as the Department was only recently made aware of the June 1, 2010 memorandum from USEPA allowing flexibility for the coating limits for these categories of pleasure craft coatings, these limits were not reflected in the proposed rule. Part 19 will be revised to reflect the limits for extreme high gloss topcoat, antifouling/tie coat and other antifouling coatings consistent with the June 1, 2010 memorandum in the final rule.

Comment: Please see attached for a letter from the U.S. Environmental Protection Agency (EPA), dated June 1, 2010, detailing changes to the Control Techniques Guidelines (CTG) for Miscellaneous Metal and Plastic Parts Coatings, which includes specific revisions to Pleasure Craft VOC limits and definitions. Several states have included these changes to their Pleasure Craft rules, including Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, and Virginia. In the spirit of consistency, ACA suggests that the Rhode Island Department of Environmental Management include the following changes to the Pleasure Craft regulations:

- Add an additional specialty category for "Antifouling Sealer/Tie Coat" with a VOC limit of 420 g/L (3.5 lbs. VOC/gallon);
- Change the VOC limit for "Other Substrate Antifoulant Coating" from 330 to 400 g/L (3.4 lbs. VOC/gallon);
- Change the VOC limit for "Extreme High Gloss" from 420 to 600 g/L (5.0 lbs. VOC/gallon); and
- Revise the definition of "Extreme High Gloss Coating" to read: "Extreme high gloss coating means any coating which achieves greater than 90 percent reflectance on a 60 degree meter when tested by ASTM Method D 523-89." (ACA)

Response: As stated above, the Department was recently made aware of the June 1, 2010 memorandum from USEPA detailing changes to the CTG for Miscellaneous

Metal and Plastic Parts Coatings for some pleasure craft coating categories. Part 19 will be revised to reflect these changes in the final rule. Additionally, the definition of extreme high gloss coating will be revised as suggested.

Comment: ACA noticed a possible clerical error regarding the proposed VOC content limit for “Paper, film or foil (non-pressure sensitive tape and label)”. In the table on page 47 of the proposed rule, the Rhode Island Department of Environmental Management included a VOC content limit of 0.04 lbs. VOC per lb solids. ACA believes that this is an error and that the limit should be 0.4 lbs. VOC per lb solids. (ACA)

Response: Part 19 will be revised as a result of this comment.

Decision

It is the decision of the Department to amend 250-RICR-120-05-19, “Control of Volatile Organic Compounds from Coating Operations” as indicated in response to the comments above. The final amended rule is appended to this Decision.

Date

Laurie A. Grandchamp, P.E.
Administrator, Environmental Protection