

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-120-05-33

RULE TITLE: Part 33 -“Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings”

REASON FOR RULEMAKING: Part 33 limits volatile organic compound emissions from the architectural and industrial maintenance (AIM) coatings. The Department of Environmental Management, Office of Air Resources is proposing to add a volatile organic compound (VOC) standard for fire-resistive coatings.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: not applicable

TESTIMONY AND COMMENTS: Written comments were received from the American Coating Association (ACA) and the United States Environmental Protection Agency (USEPA).

CHANGE TO TEXT OF THE RULE: Only one comment was received supporting the changes to the rule.

REGULATORY ANALYSIS Rhode Island is a member state of the Ozone Transport Commission (OTC), an organization set up by Congress under the Clean Air Act (CAA) which is composed of 13 entities in the Northeast and mid-Atlantic regions. The OTC develops model rules for the member states to use to reduce the emissions of ground level ozone precursors. Adoption of OTC Model Rules by all member States ensures regulatory consistency throughout the region to address these pollutants. OTC AIM Coatings Model Rules are based on California Air Resources Board(CARB) rules as well. In updating the OTC model rule the VOC content limit for fire-resistive coatings was inadvertently left out of the model rule Part 33 is based on. At the request of the American Coatings Association (ACA) the model rule has been updated to include an emissions limit for fire-resistive coatings. The ACA requested that RI update Part 33 to include this limit. The Office of Air Resources has determined that implementation of the amendments to Part 33 would not have a significant adverse economic impact on small businesses or cities and towns in the State.

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: