

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

In re: Proposed revisions to 250-RICR-120-05-33, “Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings”

DECISION

Introduction

On May 19, 2020 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 adoption of proposed revisions to Air Pollution Control Regulation No. 33, Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings, 250-RICR-120-05-33. The notice stated that a virtual public hearing would be held if requested by one or more people, a governmental agency or subdivisions, or an association. No requests for a public hearing were received. The public comment period ended at 4:00 PM on June 19, 2020.

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 developed 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. RI adopted the most recent AIM VOC emissions limitations from the OTC model rule in 2018. These limitations have not been adopted in Massachusetts creating an unfair economic advantage for bordering retailers located in RI. In particular the wood coatings emissions limitations and specialty primer emissions limitations are problematic. Professionals using the lower VOC coatings in these categories have reported that the lower VOC coatings are inferior products not producing the same result and, in many instances, are travelling to neighboring Massachusetts retail locations to purchase the higher VOC products for use in RI. Retail locations bordering

Massachusetts have reported a drop in sales of these particular products because the low-VOC product is inferior, and professionals can easily obtain the higher VOC coatings by crossing the state line to purchase. 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.

Response to Comments

No comments were received on the proposed changes.

Decision:

It is the decision of the Department to amend the 250-RICR-120-05-33, "Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings" as proposed. The final amended regulation is appended to this Decision.

Date

Protection

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