

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Mobile Equipment Repair and Refinishing

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A. The proposed changes to Chapter 121 add definitions of terms used in the substantive sections of Chapter 129. A new § 129.75 establishes requirements to control volatile organic compound (VOC) emissions from mobile equipment repair and refinishing facilities.

This notice is given under Board order at its meeting of January 20, 1998.

A. *Effective Date*

These proposed amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rule-making.

B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663, or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background of the Proposed Amendments*

These amendments propose to establish controls on the VOC emissions from mobile equipment repair and refinishing facilities. These proposed amendments implement the recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Southwest Ozone Stakeholders recommended a point of sale regulation which would preclude the sale of noncomplying finishes. The Southeast Ozone Stakeholders recommended limiting the VOC content of automobile refinish material to the levels imposed in the South Coast Air Quality Management District (SCAQMD).

Subsequent to the recommendations of the Ozone Stakeholders, a separate stakeholder group was formed composed of representatives of the mobile equipment repair and refinishing community, equipment suppliers and members of the public. This stakeholder group identified a number of problems with a point of sale regulation and the SCAQMD limits and recommended establishing limitations on the VOC content of finishes along with equipment specifications and work practice requirements. The proposed amendments incorporate the recommendations of this stakeholder group.

The Department of Environmental Protection (Department) also consulted with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposal. At its August 21, 1997, meeting, the AQTAC recommended adoption of the proposed amendments.

E. *Summary of Regulatory Revisions*

The proposed changes to Chapter 121 add definitions of terms used in the substantive provisions in Chapter 129. The definitions include "antique motor vehicle," "automotive pretreatment," "automotive primer-surfacer," "automobile primer-sealer," "automotive specialty coating," "automotive topcoat," "classic motor vehicle," "mobile equipment" and "touchup repair."

A new § 129.75 (relating to mobile equipment repair and refinishing), establishes allowable VOC content requirements for coatings used in this source category. Section 129.75(b) establishes exceptions to the general applicability of the rules where the coating is done in an automobile assembly plant or by an individual who does not receive compensation for application of the coatings. Subsection (e) establishes the VOC content of automobile refinish coatings, and subsection (f) provides the methodology for calculating VOC emissions. Subsections (g) and (h) establish application techniques and time frames for existing and new facilities applying coatings regulated by this section. Subsections (j) and (k) establish the requirements for cleaning spray guns associated with this source category and housekeeping, pollution prevention and training requirements for individuals applying mobile equipment repair and refinishing coatings. Finally, subsection (l) requires the owner or operator of a facility subject to this section to obtain a permit for operation of the facility.

Under these requirements, a person who applies mobile equipment repair and refinishing coatings will have to provide notice to the Department and comply with applicable VOC content requirements for coatings. In addition to application technique and cleaning requirements, the proposed amendments establish training, pollution prevention and permitting requirements that are phased-in under a schedule set forth in the proposed amendments.

This proposed regulatory revision will be submitted to the Environmental Protection Agency as an amendment to the State Implementation Plan.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

Overall, the citizens of the Commonwealth will benefit from these recommended changes because they provide appropriate controls on VOC emissions from mobile equipment and repair and refinishing facilities.

Compliance Costs

These proposed amendments will increase compliance costs requiring facilities to obtain a permit. Equipment costs will also be slightly higher but the increase in equipment costs will be recovered by savings in operating costs. There may be some increases in costs associated with the training requirement.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with understanding the

newly revised requirements and how to comply with them. The proposed amendments require that persons applying mobile equipment repair and refinishing coatings receive training in proper use and handling of coatings, solvents and wash products. This will be accomplished through Department-sponsored training.

Paperwork Requirements

The proposed regulatory revisions will increase the paperwork related to this class of facilities by requiring permits, reporting and recordkeeping.

G. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

I. Public Information Meetings

The Department will hold 12 public information meetings Statewide to discuss the proposed regulatory requirements and respond to questions from the public and automobile refinish industry. A morning session and an evening session will be held in each of the Department's six regional offices as follows:

October 5, 1998—7 p.m. October 6, 1998—9 a.m.	Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA.
October 7, 1998—7 p.m. October 8, 1998—9 a.m.	Northcentral Regional Office 208 North Third Street Williamsport, PA.
October 14, 1998—7 p.m. October 15, 1998—9 a.m.	Northwest Regional Office 230 Chestnut Street Meadville, PA.
October 19, 1998 9 a.m. and 7 p.m.	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA.
October 27, 1998 9 a.m. and 7 p.m.	Southeast Regional Office Lee Park, 555 North Lane Conshohocken, PA.

October 5, 1998—7 p.m.
October 6, 1998—9 a.m.

Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA.

October 28, 1998
9 a.m. and 7 p.m.

Northeast Regional Office
Two Public Square
Wilkes-Barre, PA.

J. Public Comment and Public Hearings

Public Hearings

The Board will hold six public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 7 p.m. on the following dates and at the following locations:

October 29, 1998	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA.
November 2, 1998	Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA.
November 4, 1998	Northwest Regional Office 230 Chestnut Street Meadville, PA.
November 5, 1998	Northcentral Regional Office 208 North Third Street Williamsport, PA.
November 9, 1998	Northeast Regional Office Two Public Square Wilkes-Barre, PA.
November 10, 1998	Southeast Regional Office Lee Park, 555 North Lane Conshohocken, PA.

The Department is specifically requesting comments on three issues.

First, the proposed amendments apply to all mobile equipment repair and refinishing facilities regardless of their size or the amount of material used. The Department requests comments on this approach.

Second, the Department is proposing that these facilities meet the permitting requirements contained in Chapter 127 of the Department's regulations. The Department is proposing to implement the permit program through the use of a general permit. The Department is also considering establishing a permit by rule for smaller facilities having less impact on air quality. The Department is requesting comments on these as well as any alternative permitting or approval methods that will simplify compliance with these requirements.

Finally, the Department is requesting comments on the applicability of the provisions related to application techniques, housekeeping, pollution prevention and training measures to rural areas of this Commonwealth where the VOC reductions may not have a significant impact on attainment.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodations to participate, should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, 15th Floor Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by December 10, 1998. In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by December 10, 1998. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments

Comments may be submitted electronically to the Board at Regcomments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by December 10, 1998.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-334. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Antique motor vehicle—A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications.

* * * * *

Automobile primer-sealer—A coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting the following:

- (i) Adhesion of subsequent coatings.
- (ii) Color uniformity.

(iii) The ability of the undercoat to resist penetration by the topcoat.

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Automotive pretreatment—A primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings.

Automotive primer-surfacer—A coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of:

- (i) Filling surface imperfections in the substrate.
- (ii) Providing corrosion resistance.
- (iii) Promoting adhesion of subsequent coatings.

Automotive specialty coating—Coatings, including, but not limited to, elastomeric coatings and adhesion promoters for plastic parts, antiglare/safety coatings, bright metal trim repair coatings, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

Automotive topcoat—A coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

* * * * *

Classic motor vehicle—A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

* * * * *

Mobile equipment—Equipment which may be driven or is capable of being driven on a roadway including, but not limited to:

- (i) Automobiles.
- (ii) Trucks, truck cabs, truck bodies and truck trailers.
- (iii) Buses.
- (iv) Motorcycles.
- (v) Utility bodies.
- (vi) Camper shells.
- (vii) Mobile cranes.
- (viii) Bulldozers.
- (ix) Street cleaners.
- (x) Golf carts.
- (xi) Ground support vehicles, used in support of aircraft activities at airports.
- (xii) Farm equipment.

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Touch up repair—The application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than 1 inch in diameter.

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**CHAPTER 129. STANDARDS FOR SOURCES
SOURCES OF VOCs**

(Editor's Note: Section 129.75 is proposed to be added and is printed in regular type to enhance readability.)

§ 129.75. Mobile equipment repair and refinishing.

(a) Except as provided in subsection (b), the requirements of this section apply to a person who applies mobile equipment repair and refinishing or color matched coatings to mobile equipment or mobile equipment components.

(b) This section does not apply to a person who applies surface coatings to mobile equipment or mobile equipment components under one of the following circumstances:

- (1) The surface coating process is subject to the miscellaneous metal parts finishing requirements of § 129.52 (relating to surface coating processes).
- (2) The surface coating process is at an automobile assembly plant.
- (3) The person applying the coatings does not receive compensation for the application of the coatings.

(c) The owner and the operator of an existing facility shall provide the Department with an identification of each facility to which this section applies on or before _____ (Editor's Note: The blank refers to a date 120 days from the effective date of adoption of this proposal), including:

- (1) The name of the facility.
- (2) The location and address of the facility.
- (3) The responsible official at the facility.
- (4) The telephone number of the facility.
- (5) The number of employes at the facility.

(d) After _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), the owner and operator of a new facility subject to this section shall provide notification to the Department immediately upon start-up of the facility which starts operation.

(e) Beginning _____ (Editor's Note: The blank refers to a date 12 months from the effective date of adoption of this proposal), a person may not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat and automotive specialty coatings including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOC's in excess of the limits specified in Table III.

Table III
Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings
Allowable VOC Content
(as applied)
Weight of VOC per Volume of Coating (minus water and non-VOC solvents)

Coating Type	Limit	
	Pounds per Gallon	Grams per Liter
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive specialty	7.0	840

(f) A person who provides mobile equipment repair and refinishing coatings subject to this section shall provide documentation concerning the VOC content of the coatings calculated in accordance with the following:

(1) The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds shall be calculated by the following equation:

$$VOC = \frac{(W_v - W_w - W_{ex})(D_c)}{100\% - (W_w)(D_c/D_w) - (W_{ex})(D_c/D_{ex})}$$

where:

VOC = VOC content in grams per liter (g/l) of coating less water and non-VOC solvents.

W_v = weight of total volatiles, % (100% - weight % nonvolatiles).

W_w = weight of water, %.

W_{ex} = weight of non-VOC solvents, %.

D_c = density of coating, g/l at 25° c.

D_w = density of water, g/l at 25° c (0.997 x 10³).

D_{ex} = density of exempt solvent, g/l, at 25° c.

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345 x 10⁻³ (lb/gal/g/l).

(2) The VOC content of a multistage topcoat shall be calculated by the following equation:

$$VOC_{multi} = \frac{VOC_{bc} + \sum_{i=0}^M VOC_{mci} + 2(VOC_{cc})}{M + 3}$$

where:

VOC_{multi} = VOC content of multistage topcoat, g/l.

VOC_{bc} = VOC content of basecoat, g/l.

VOC_{mci} = VOC content of the midcoat(s), g/l.

VOC_{cc} = VOC content of the clear coat, g/l.

M = number of midcoats.

(g) Beginning _____ (*Editor's Note:* The blank refers to a date 12 months from the effective date of adoption of this proposal), a person at an existing facility subject to this section shall use one or more of the following application techniques to apply any finish material listed in Table III:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure (HVLP) spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(h) A new facility which starts operation after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal) shall use one or more of the following application techniques to apply to mobile equipment and mobile equipment components any finish material listed in Table III:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure HVLP spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined

achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(i) The following situations are exempt from the application equipment requirements in subsections (g) and (h):

(1) The use of airbrush application methods for stenciling, lettering and other identification markings.

(2) The application of coatings sold in nonrefillable aerosol containers.

(3) The application of touch-up and repair finish materials by brush.

(j) Spray guns used to apply mobile equipment repair and refinishing coatings shall be cleaned by one of the following:

(1) An enclosed spray gun cleaning system that is kept closed when not in use.

(2) Unatomized discharge of solvent into a paint waste container that is kept closed when not in use.

(3) Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use.

(4) Atomized spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions.

(k) The owner and operator of a facility subject to this section shall implement the following housekeeping and pollution prevention and training measures:

(1) Fresh and used coatings, solvent, and cleaning solvents, shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying.

(2) Cloth and paper, or other absorbent applicators, moistened with coatings, solvents or cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers.

(3) Handling and transfer procedures shall minimize spills during the transfer of coatings, solvents and cleaning solvents.

(4) Ensure that a person who applies mobile equipment repair and refinishing coatings has completed training in the proper use and handling of the mobile equipment repair and refinishing coatings, solvents and waste products to minimize the emission of air contaminants and to comply with this section.

(l) On or before _____ (*Editor's Note:* The blank refers to a date 15 months after the effective date of adoption of this proposal) the owner and operator of a facility subject to this section shall apply for a permit in accordance with Chapter 127 (relating to construction, modification, reactivation and operation of sources).

[Pa.B. Doc. No. 98-1592. Filed for public inspection September 25, 1998, 9:00 a.m.]