

sons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 27, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 28, 2018, and approved this final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 47 Pa.B. 3356.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are reasonably necessary to attain and maintain the ozone NAAQS and to satisfy related CAA requirements.

L. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by adding § 129.63a and amending §§ 121.1, 129.51, 129.73, 129.96, 129.97, 129.99 and 129.100 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Chairperson

(Editor's Note: See 48 Pa.B. 4189 (July 14, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-492 remains valid for the final adoption of the subject regulations.

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:

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Cleaning solvent—A liquid material used for hand-wipe, spray gun or flush cleaning. The term includes solutions that contain VOCs.

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CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b, 129.52c, 129.52d, 129.52e, 129.54—129.63, 129.63a, 129.64—129.67, 129.67a, 129.67b, 129.68, 129.69, 129.71—129.73 and 129.77 may be achieved by alternative methods if all of the following exist:

(1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.

(2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.

(3) Compliance by a method other than the use of a low VOC coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent, cleanup solvent, cleaning solution, fountain solution or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.52d, 129.52e, 129.63a, 129.67, 129.67a, 129.67b, 129.73 and 129.77 shall be determined on the basis of equal volumes of solids.

(4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.

(5) Adequate records are maintained to ensure enforceability.

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.52c, § 129.52d, § 129.52e, § 129.63a, § 129.67, § 129.67a, § 129.67b, § 129.68(b)(2) and (c)(2), § 129.73 or § 129.77.

(b) *New source performance standards.* Sources covered by new source performance standards which are more stringent than those contained in this chapter shall comply with those standards in lieu of the standards in this chapter.

(c) *Demonstration of compliance.* Unless otherwise set forth in this chapter, test methods and procedures used to monitor compliance with the emission requirements of this section are those specified in Chapter 139 (relating to sampling and testing).

(d) *Records.* The owner or operator of a facility or source subject to one or more of the VOC emission limitations and control requirements in this chapter shall keep records to demonstrate compliance with the applicable limitation or control requirement.

(1) The records shall provide sufficient data and calculations to clearly demonstrate that the applicable emission limitation or control requirement is met. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.

(2) The records shall be maintained onsite for 2 years, unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be made available to the Department on request.

(e) *Demonstration of exempt status.* The owner or operator of a facility or source claiming that the facility or source is exempt from the VOC control provisions of this chapter shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements of this chapter.

§ 129.63a. Control of VOC emissions from industrial cleaning solvents.

(a) *Applicability.* This section applies to the owner and the operator of a facility at which an industrial cleaning solvent is used or applied in a cleaning activity at a cleaning unit operation, a work production-related work area or a part, product, tool, machinery, equipment, vessel, floor or wall.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings unless the context clearly indicates otherwise:

Cleaning activity—The use or application of an industrial cleaning solvent to remove a contaminant, such as an adhesive, ink, paint, dirt, soil, oil or grease, by wiping, flushing, brushing, soaking, dipping, spraying or a similar effort.

Cleaning unit operation—

(i) An operation at a facility that is a source of VOC emissions from a cleaning activity.

(ii) The term includes the following cleaning activities:

(A) Spray gun cleaning, including the spray gun, attached paint lines and other spray gun equipment used to apply a coating.

(B) Spray booth cleaning, including the interior surfaces of the booth and the equipment contained within the booth.

(C) Manufactured components cleaning as a step in a manufacturing process, including automobile bodies, furniture, sheet metal, glass windows, engine components, subassemblies, sheet metal panels, molded parts, electrical contacts, steel and copper components, tin-plated or silver-plated terminals, plastic parts, upholstered parts, circuit breaker cases, switch covers, threads and bolts.

(D) Parts cleaning, including applicator tips, brushes, machine parts, pumps, circuit boards, truck parts, engine blocks, gauges, cutoff steel, machined parts, tool dies, motors and assemblies, screws, oil guns, welded parts, bearings and filters.

(E) Equipment cleaning of a piece of production equipment in place to prevent cross-contamination or for maintenance purposes, including punch presses, electrical contacts on equipment, pump parts, packaging equipment, rollers, ink pans, carts, press frames and table tops.

(F) Line cleaning, including a pipe, hose or other line that conveys material like paint or resin, that is cleaned separately from a spray gun, tank or other process equipment.

(G) Floor cleaning in a production area of the facility.

(H) Tank cleaning, including a tank, mixing pot or process vessel and the attached lines.

(iii) The term does not include VOC emissions from the use or application of consumer products subject to Chapter 130, Subchapter B (relating to consumer products), including an institutional product or industrial and institutional product as defined in § 130.202 (relating to definitions) for cleaning offices, bathrooms or other areas that are not part of a cleaning unit operation or work production-related work area.

Industrial cleaning solvent—A product formulated with one or more regulated VOCs that is used in a cleaning activity for a cleaning unit operation.

Regulated VOC—An organic compound which participates in atmospheric photochemical reactions, that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

(c) *Exceptions and exemptions.*

(1) This section does not apply to all of the following:

(i) An owner or operator of a cleaning unit operation subject to § 129.63 (relating to degreasing operations) or 40 CFR Part 63, Subpart T (relating to National emission standards for halogenated solvent cleaning).

(ii) An owner or operator of a cleaning unit operation associated with a following category:

- (A) Aerospace manufacturing and rework operations.
- (B) Architectural coatings.
- (C) Automobile and light-duty truck assembly coatings.
- (D) Fabric coating.
- (E) Fiberglass boat manufacturing materials.
- (F) Flat wood paneling coatings.
- (G) Flexible packaging printing materials.
- (H) Graphic arts printing and coating operations.
- (I) Large appliance coatings.
- (J) Letterpress printing materials.
- (K) Lithographic printing materials.
- (L) Magnet wire coating operations.
- (M) Marine vessel coating.
- (N) Metal container, closure and coil coating.
- (O) Metal furniture coatings.
- (P) Miscellaneous metal parts coatings.