



Division of Air Pollution Control

Response to Comments Draft Rule Language Comment Period

Rule: OAC Chapter 3745-21 Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards

Agency Contact for this Package

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Ohio EPA provided a 33 day comment period regarding the draft rules in OAC Chapter 3745-21. This document summarizes the comments and questions received at the associated comment period, which ended on December 2, 2014.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

3745-21-07, “Control of emissions of organic materials from stationary sources (i.e., emissions that are not regulated by rule 3745-21-09, 3745-21-12 to 3745-21-16, or 3745-21-18 to 3745-21-29 of the Administrative Code)”

3745-21-07(M)(1)

Comment 1: RAPCA requests that the following changes be made to OAC rule 3745-21-07:

(1) Remove “Greenville Technology, Inc.” and all of their emission units listed in the table shown in paragraph 3745-21-07(M)(1).

(2) Add the following citation to 3745-21-07(M)(3)(d) to reflect the alternative emissions limitations for emission units R001 – R003 that are specified in PTI P0116921 issued to Greenville Technology, Inc. on November 18, 2014:

Plastic Parts Coating Lines Number 2, 3 and 5 associated with emissions units R001, R002 and R003 at “Greenville Technology,

Inc.” (Facility ID 0819070190) the organic compound emissions from the emissions units that are controlled by means of a permanent total enclosure, a fume concentrator, and a regenerative thermal oxidizer (RTO) system that meet the following, in accordance with permit-to-install P0116921:

(a) The permanent total enclosure, fume concentrator and RTO system shall achieve an overall minimum 90% removal/destruction efficiency or a maximum total outlet concentration of 20 ppm (as propane) by volume on a dry basis, for the RTO and concentrator exhausts, whichever is less stringent.

Justification: PTI P0116921 for emissions units R001, R002 and R003 was issued on November 18, 2014 to establish voluntary emissions limitations that are more stringent than the organic compound emissions limitations of OAC rules 3745-21-07(M)(2) and (M)(4). PTI P0116921 was issued to recognize that the emissions controls, work practices and coatings in use for emissions units R001, R002 and R003 cannot achieve a minimum removal/destruction efficiency of 90%. The high volume and low organic compound concentrations of the exhaust from the coating operations entering the RTO result in organic compound concentrations at the RTO outlet that are near or below the minimum detection limits of U.S. EPA Reference Methods. This change will codify the alternative organic compound emissions limitation for these emissions units that has been recognized by Ohio EPA as being more stringent than OAC rules 3745-21-07(M)(2) and (M)(4). **(Jennifer Marsee, Regional Air Pollution Control Agency)**

Recommended changes to be included in OAC rule 3745-21-07 as part of Ohio EPA’s rule review (November 2014) to address Greenville Technology

- (1) Remove “Greenville Technology, Inc.” and all of their emission units listed in OAC rule 3745-21-07 (M)(1) Emissions Units table.
- (2) Emissions units K001 – K005 have been removed.
- (3) PTI P0116921 was issued on November 18, 2014 for emissions units R001, R002 and R003. The PTI established voluntary emissions limitations that are more stringent than the organic compound emissions limitations of OAC rules 3745-21-07(M)(2) and (M)(4). The following language or something similar should be cited under paragraph 3745-21-07(M)(3)(d) to reflect the

alternative control limitations specified in PTI P0116921 for emission units R001, R002 and R003:

“Emissions units R001, R002 and R003 at “Greenville Technology, Inc.” (facility ID 0819070190) shall be controlled through the application of a permanent total enclosure with a 100% capture efficiency, a fume concentrator, and a regenerative thermal oxidizer (RTO) system. The fume concentrator and RTO system shall achieve an overall minimum 90% removal/destruction efficiency, or a maximum total outlet concentration of 20 ppm (as propane) by volume on a dry basis, for the RTO and concentrator exhausts.”

Justification for the change:

PTI P0116921 for emissions units R001, R002 and R003 was issued on November 18, 2014 to establish voluntary emissions limitations that are more stringent than the organic compound emissions limitations of OAC rules 3745-21-07(M)(2) and (M)(4) and to recognize that the emissions controls, work practices and coatings in use for emissions units R001, R002 and R003 cannot achieve a minimum removal/destruction efficiency of 90%.

Environmentally beneficial changes in GTI’s coating formulations and an increased coating coverage rate at lower film thicknesses have resulted in high air volume and low organic compound concentrations of the exhaust from the coating operations entering the RTO. This has resulted in organic compound concentrations at the RTO outlet that are near or below the minimum detection limits of U.S. EPA Reference Methods. The above requested changes to OAC rule 3745-21-07 will codify the alternative organic compound emissions limitation for emissions units R001, R002 and R003 that have been recognized by Ohio EPA as being more stringent than OAC rules 3745-21-07(M)(2) and (M)(4). **(Stephanie Madden, EHS Technology Group)**

Response 1:

Ohio EPA DAPC cannot process this comment as part of this draft rule package. These emission units are currently regulated by OAC rules 3745-21-07(M)(2) and (M)(4). The requested alternate limits from OAC rules 3745-21-07(M)(2) and (M)(4) must be addressed in accordance with the requirements and procedures in OAC rule 3745-21-07(M)(5)(e). These requirements include determining that the alternate limit is the lowest emission limitation that the emission unit is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility, obtaining written approval from US EPA prior to the issuance of a final permit, and including

the alternate limit in a federally enforceable permit. This rule revision request does not meet these requirements.

Comment 2: Kerry Flavor Systems US, LLC (1431423764) has also been Permanently Shut-down. Please remove this facility and emissions units from the table in OAC rule 3745-21-07(M)(1). **(Amy Kesterman, Southwest Ohio Air Quality Agency)**

Response 2: Ohio EPA agrees and has removed Kerry Flavor Systems US, LLC (was Alex Fries and Bros., Inc.) (1431423764) from the (M)(1) Emissions Units table in OAC rule 3745-21-07(M)(1).

Comment 3: We write on behalf of PPG Industries regarding the draft amendments to OAC Chapter 3745-21 that DAPC has released for interested party review. In particular, we are writing to ask Ohio EPA to correct an oversight in OAC 3745-21-07 that resulted in the inadvertent imposition of unnecessary and unreasonable control requirements on organic compound emissions from the chloroformate plant (emissions unit P098) at PPG's South Plant in Barberton, Ohio.

Ohio EPA has proposed to revise OAC 3745-21-07(M)(1) to reflect the fact that PPG's two Barberton plants, the South Plant and the Teslin Plant, are permitted separately. PPG does not oppose this revision in the abstract. But, PPG believes that this rulemaking would be an appropriate time to correct an error in OAC 3745-21-07(M)(2) that was introduced in Ohio EPA's 2008 amendments to that rule.

OAC 3745-21-07(M)(2) currently states:

Each article, machine, equipment or other contrivance identified in paragraph (M)(1) of this rule, or meeting the specifications of paragraph (M)(3)(a) of this rule, shall be equipped with a control system (i.e., capture and control equipment) that reduces the organic compound emissions from the article, machine, equipment or other contrivance by an overall control efficiency of at least eighty-five per cent, by weight. If the reductions are achieved by incineration, ninety per cent or more of the carbon in the organic material being incinerated shall be oxidized to carbon dioxide.

This language is based on paragraphs (G)(1)-(2) and (6) of the pre-2008 version of OAC 3745-21-07, which stated, in relevant part:

(1) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor

more than three pounds in any one hour, from any article, machine, equipment, or other contrivance in which any liquid organic material or substance containing liquid organic material comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least eighty-five per cent.

(2) A person shall not discharge more than forty pounds of organic material into the atmosphere in any one day, nor more than eight pounds in any one hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (G)(1) of this rule for employing, applying, evaporating or drying any photochemically reactive material, or substance containing such photochemically reactive material, unless said discharge has been reduced by at least eighty-five per cent.

(6) Emission of organic materials into the atmosphere required to be controlled by paragraph (G)(1), (G)(2), or (G)(3) of this rule, shall be reduced by:

(a) Incineration, provided that ninety per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in a manner determined by the director to be not less effective than the methods specified in paragraph (G)(6)(a) or (G)(6)(b) of this rule.

The pound-per-hour and pound-per-day limitations in subparagraphs (G)(1) and (G)(2) of the 2007 regulation were set forth as alternatives to the percentage reduction requirements in those subparagraphs. This understanding is confirmed in a 2007 white paper posted to Ohio EPA's website, which states:

Operations using liquid organic materials, and not otherwise subject to or exempted by the storage tank, liquid loading, or effluent water separator requirements, are subject to the following requirements:

(1) If the operation (an article, machine, equipment, or other contrivance) is a baked, heat-cured, or heat-polymerized operation or if the liquid organic material contacts flame within the operation, then the emission of organic compounds is required to not exceed 3 pounds per hour and

15 pound per day, unless the emission is reduced by at least 85 percent.

(2) If the operation (an article, machine, equipment, or other contrivance) is not the type of operation described in item (1) above, but employs a PRM, then the emission of organic compounds is required to not exceed 8 pounds per hour and 40 pounds per day, unless the emission is reduced by at least 85 percent.

(Ohio EPA, Division of Air Pollution Control, White Paper on Amendment of OAC Rule 3745-21-07, at 4 (November 2007) (available at <http://www.epa.state.oh.us/portals/27/regs/3745-21/3745-21-07WhitePaperRefile.pdf>) (emphasis added).) Ohio EPA further noted that “[m]any emissions units comply [with OAC 3745-21-07] by means of uncontrolled emissions that meet the applicable hourly and daily mass emission rates.” (*Id.* at 6.)

When the rule was revised in 2008, Ohio EPA removed the pound-per-hour and pound-per-day limits because it considered those limits “not effective in reducing the emission of VOC.” (*Id.* at 14.) EPA asserted that “sources *** currently subject to these limits, or lower limits, in current PTIs” would “continue to be” subject to those “PTI-limits ***.” (*Id.*) The revision had the effect, however, of inadvertently imposing the percent reduction requirement on at least one source, Emissions Unit P098 at PPG’s South Plant, that were already complying with the rule’s pound-per-hour and pound-per-day requirements or a lower BAT limit.

The PTI for Emissions Unit P098 limited the unit’s organic compound emissions to 2.00 lbs/hour, pursuant to OAC 3745-31-05 and other rules. (See PTI No. 16-1215, Modification to Permit to Install (July 15, 1998).) PPG’s 2005 Title V permit for its Barberton Plant listed that BAT limit, along with the pound-per-hour, pound-per-day, and alternative percent reduction requirements for organic compound emissions in OAC 3745-21-07(G)(2), as applicable emissions limitations. (PPG Industries – Barberton Plant, Facility ID 16-77-02-0009, Title V Permit at 64 (Nov. 21, 2005).) The Title V permit recognized that compliance with the BAT limit for Emissions Unit P098 would “also include compliance with the requirements of OAC Rules 3745-21-07(G)(2)” and other rules. (*Id.* at 63.)

PPG obtained its renewal Title V permit, on the other hand, after Ohio EPA promulgated the 2008 version of OAC 3745-21-07. Because of the revisions to OAC 3745-21-07, the 2012 Title V renewal permit listed the BAT limit for Emissions Unit P098’s organic compound emissions (2.0 lbs/hour) and the percent

reduction requirement in OAC 3745-21-07(M)(2) (85% overall control efficiency, by weight, and 90% incinerator destruction efficiency) as separate and additive requirements. (PPG Industries – South Plant, Facility ID 1677020162, Title V Renewal Permit at 22 (Sept. 7, 2012).) Thus, on its face, PPG’s current Title V permit could be interpreted to require PPG to not only reduce its OC emissions to 2.0 lbs/hour, but also achieve an 85% overall control efficiency and 90% destruction efficiency – a reduction that is not only redundant and unnecessary, but impossible to achieve as a practical matter given the emissions unit’s low control device inlet loading and BAT limitation. The 2007 white paper makes clear that subjecting emissions units like P098 to duplicative and overly stringent percent reduction requirements was not Ohio EPA’s intention when it revised OAC 3745-21-07 in 2008. Since Ohio EPA was unaware that the 2008 rule change would impose more stringent OC control requirements on Emission Unit P098 at the Barberton South Plant, Ohio EPA obviously had no air quality-based rationale, or technological or economic justification, for such a change in regulatory stringency.

For all of these reasons, PPG respectfully requests that Ohio EPA resolve this error by removing Emissions Unit P098 from the list of equipment in OAC 3745-21-07(M)(1) and adding “and P098 at ‘PPG Industries South Plant’ (facility ID 1677020162)” after the reference to Emission Unit P080 in OAC 3745-21-07(M)(3)(d)(ix). Emission Unit P098 should not be subject to any more stringent requirements under OAC 3745-21-07 than P080. **(Eric B. Gallon, Porter, Wright, Morris and Arthur LLP, on behalf of PPG Industries)**

Response 3: Ohio EPA has removed emissions unit P098 from OAC rule 3745-21-07(M)(1). This emissions unit is exempt from the requirements of paragraphs (M)(3)(a), (M)(2) and (M)(1) per paragraph (M)(3)(c)(iv), which exempts an emissions unit that is subject to and complying with a federal regulation that specifies an overall control efficiency for organic compound or VOC emissions that is greater than eighty-five per cent, by weight. This emissions unit is subject to 40 CFR Part 63, Subpart FFFF, which requires total organic HAP emissions to be reduced by at least 98% by weight or to an outlet concentration of 20 ppmv or less. In addition, since the emission unit P098 is exempt, it is not necessary to add emission unit P098 to OAC 3745-21-07(M)(3)(d)(ix).

Comment 4: Tembec was removed from the draft OAC rule 21-07(M)(1) but OAC rule 21-07(M)(3)(b) states that Tembec will be required to notify OEPA of the need to be specified in OAC rule 21-07(M)(1). Can you tell me how this should unfold for Tembec with the current

OAC rule 21-07(M) draft and if it would be possible to place them under OAC rule 21-07(M)(3)(d) as exempt? The facility does not use photochemically reactive materials. **(Matt Stanfield and Kurt Bezeau, City of Toledo Division of Environmental Services)**

Response 4: Ohio EPA removed Tembec (facility ID 0448010370) from interested party draft OAC rule 3745-21-07(M)(1) because the emissions controls are designed to control particulate emissions. Since these emissions units are not designed to control organic compound emissions, they should not be listed in OAC rule 3745-21-07(M)(1) and are not required to submit a notification to be included in OAC rule 3745-21-07(M)(1) because they do not meet all of the applicability criteria listed under OAC rule 3745-21-07(M)(3)(a). Specifically, OAC rule 3745-21-07(M)(3)(a)(iv) specifies that a subject emissions unit is equipped with control equipment for organic compound emissions. These emissions units do not meet this criteria and thus should not be listed in OAC rule 3745-21-07(M)(1) or submit a notification for inclusion per OAC rule 3745-21-07(M)(3)(b). In addition, the emissions units do not need to be listed under OAC rule 3745-21-07(M)(3)(d) as exempt from OAC rules 3745-21-07(M)(3)(a) and (M)(3)(b) because they are already exempt as stated above.

3745-21-07(M)(5)

Comment 5: We write on behalf of our client, Schmelzer Industries (“Schmelzer”), and numerous and diverse other companies, regarding the draft amendment to OAC 3745-21-07(M)(5)(g) that DAPC released for interested party review.

Subparagraph (M)(5)(g) was recently the subject of a permit appeal that Schmelzer brought to the Environmental Review Appeals Commission (ERAC). Ohio EPA had issued a Federally Enforceable Permit-to-Install and Operate (FEPTIO) that required Schmelzer to comply with OAC 3745-21-07(M)(4). Schmelzer asserted that (M)(4) did not apply because Schmelzer’s facility was exempt under (M)(5)(g) – the facility is in Perry County and has the potential to emit not more than 100 tpy of organic compounds. In response, Ohio EPA argued that it routinely applies (M)(4) to new sources and that the exemption in (M)(5)(g) applies only to existing sources. ERAC rejected Ohio EPA’s position, holding that the “express language” of (M)(5)(g) “unambiguously includes both existing and new sources of air pollution.” See *Schmelzer Industries, Inc. v. Butler*, Case No. ERAC 14-646809, Ruling on Motions for Summary Judgment (Aug. 13, 2014) (available at <http://erac.ohio.gov/Portals/0/SCHMELZER%20INDUSTRIES%206809.pdf>). Ohio EPA did not appeal that ruling.

Ohio EPA is now proposing to amend (M)(5)(g) so that the regulation is consistent with Ohio EPA's litigation position in the ERAC appeal. In particular, Ohio EPA proposes to restrict the exemption in (M)(5)(g) to "existing sources" in Darke, Fairfield, Madison, Perry, Pickaway, Preble or Union counties, and within a facility having the potential to emit not more than 100 tpy of organic compounds. Ohio EPA asserts, in its Rule Synopsis, that "This was Ohio EPA's original intent when this rule was initially drafted and has been interpreted as such since. This change provides needed clarity to eliminate potential mis-interpretations." (Rule Synopsis at 5.) Ohio EPA's Business Impact Analysis, in turn, vaguely describes the proposed amendment as simply a "minor revision." (Business Impact Analysis.)

Ohio EPA's explanation for its proposed revision to (M)(5)(g) is both disingenuous and insufficient as a matter of law.

The understanding that (M)(5)(g) currently applies to both new and existing sources is not a "misinterpretation" stemming from a lack of "clarity." It is, instead, as ERAC ruled, the only interpretation consistent with "the plain language of the regulation." Schmelzer Industries, Ruling, at 10. ERAC rejected Ohio EPA's attempt to withhold the benefits of the exemption from existing sources as "unlawful" and in "conflict with the express language of the rule." *Id.* at 10, 13. Thus, Ohio EPA cannot sincerely say that the proposed revision to (M)(5)(g) would "eliminate potential mis-interpretations." It would, instead, change current law by narrowing an existing exemption. For Ohio EPA to assert otherwise falls far short of the "principle of transparency" on which the Common Sense Initiative is based. (Lieutenant Governor Mary Taylor, Ohio's Common Sense Initiative (CSI), Strategic Plan, at 1 (Mar. 11, 2011) (<http://www.governor.ohio.gov/Portals/0/pdf/CSI/Strategic%20Plan%20-%20Final%20WEBSITE.pdf>).

Because Ohio EPA has not forthrightly characterized its proposed change to OAC 3745-21-07(M)(5)(g), and because that change would impose significant new costs and increased regulatory burdens on Schmelzer and similarly situated facilities, Ohio EPA has not adequately prepared a Business Impact Analysis for that amendment. The Common Sense Initiative's Business Impact Analysis form required Ohio EPA to "describe *** any proposed amendments." (CSI-Ohio, Business Impact Analysis, Ohio Environmental Protection Agency, OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards," at Question 1 (Oct. 22, 2014).) Ohio EPA asserted, in response, that it was "adding alternative

monitoring and recordkeeping, reinserting a few rule exemptions, removing regulations pertaining to facilities that have been shut down, and making other minor revisions.” (*Id.*) Ohio EPA did not acknowledge that it was proposing to narrow the exemption in OAC 3745-21-07(M)(5)(g). Consequently, Ohio EPA did not explain why it was proposing to narrow that exemption. At most, Ohio EPA suggested that its revisions were “part of Ohio’s strategies for the control of VOC emissions and ** the attainment and maintenance of the NAAQS for ozone *** as required in the Clean Air Act.” (*Id.* at Question 5.) Yet all of Ohio is in attainment for the 1-hour and 1997 8-hour ozone National Ambient Air Quality Standards. And 5 of the counties for which Ohio EPA wants to narrow the exemption in (M)(5)(g) -- Darke, Perry, Pickaway, Preble, and Union counties -- are in attainment for the 2008 ozone NAAQS. (See Ohio EPA, Ohio 2008 Eight-Hour Ozone (0.075 ppm), Nonattainment Areas, http://www.epa.ohio.gov/portals/27/SIP/Nonattain/2008_8hr_O3_Updated_12_20_13_link.pdf. Ohio EPA has provided no justification for imposing new VOC emission limitations on minor “new sources” (sources constructed or modified after February 15, 1972) in these counties -- sources, like Schmelzer, that have been operating without such restrictions for decades, but remain subject to Best Available Technology requirements and all other federal and Ohio air pollution control rules. Without such a justification, Ohio EPA has not met its obligation to explain why its “regulatory intent justifies the adverse impact to the regulated business community” that the proposed revisions to (M)(5)(g) would impose, and has not adhered to the statutory requirements for the adoption or modification of emission standards in section 3704.03(E) of the Ohio Revised Code.

For the reasons provided above, Schmelzer Industries respectfully requests that Ohio EPA withdraw its proposed revision to OAC 3745-21-07(M)(5)(g). Ohio EPA has not candidly characterized the effect of its proposed modification to that subparagraph, has not justified the burden that its revision would impose on existing sources in the counties listed in that rule, and has not complied with the statutory requirements of R.C. 3704.03(E). **(Eric B. Gallon, Porter, Wright, Morris and Arthur LLP, on behalf of Schmelzer Industries)**

Response 5: OAC rule 3745-21-07(M)(4) regulates new sources from any location and existing sources from 28 counties including the most industrialized counties and those counties immediately surrounding the most industrialized counties. The exemption in OAC rule 3745-21-07(M)(5)(g) as it is applied following the ERAC decision cited by the commentator leads to spotty regulation of new sources in Ohio. It essentially creates a donut where new sources in the most urban,

industrialized counties and those in the least urban, rural counties are required to comply with OAC rule 3745-21-07(M)(4), while new sources in 7 counties directly bordering the most urban, industrial counties (e.g. Perry County) would be exempt from these requirements. In other words, new sources in the most rural 60 counties and new sources in the most industrialized 21 counties would comply with OAC rule 3745-21-07(M)(4), but new sources in the 7 counties, which neighbor the most industrial areas, and are more likely to contribute to ozone nonattainment than the most rural 60 counties, would be exempt. Ohio EPA is merely trying to address this inconsistency and close the regulation gap, so that new sources in all 88 counties would have to comply with OAC rule 3745-21-07(M)(4). As noted in ERAC's ruling, ERAC agrees with the policy to subject new sources to OAC rule 21-07(M)(4) and their decision was not intended to restrict DAPC from amending the regulation. In addition, the Fiscal Analysis accompanying this proposed rule includes a cost analysis of the proposed revision.

3745-21-23, "Control of volatile organic compound emissions from industrial solvent cleaning operations"

3745-21-23(C)(6)

Comment 6: ACA and the Ohio Paint Council recommend that the OH DAPC allow resin manufacturing operations to comply with Rule 3745-21-23, consistent with other Region 5 State rules (WI, IN, IL for example). Similar to coatings, inks and adhesives; resin manufacturing equipment is very difficult to clean with low VOC cleaning solvents. ACA suggests the following change to Section 3745-21-23(C)(6)(b):

"In lieu of complying with the requirements in paragraphs (C)(1) and (C)(2) of this rule, a manufacturer of coatings, inks, **resin**, or adhesives may comply with the following:"

Here are links to the IN, IL and WI rules:

Link to Indiana Section 326 IAC 8-17-4(g) -
<http://www.in.gov/legislative/iac/T03260/A00080.PDF>

Link to IL Rule 218.187(b)(5) and 219.187(b)(5) –
<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-11930>
and
<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-11932>

Link to Wisconsin Rule 421.05(2m) Synthetic resin manufacturing -
http://docs.legis.wisconsin.gov/code/admin_code/nr/400/421.pdf.

(David Darling, American Coatings Association)

Response 6: Ohio EPA has added the term “resins” as the commenter suggested.

3745-21-26, “Surface coating of miscellaneous metal and plastic parts”

3745-21-26(A)(3)

Comment 7: Please note that EPA suggests States exempt powder coatings from recommended VOC limits and application methods. Specifically, on page 30 of the EPA Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, EPA states:

“Consistent with the State rules which are the basis for the recommended VOC limits, we are recommending that the recommended VOC limits and application methods not apply to certain types of coatings and coating operations. For all coating operations, we are recommending that the recommended VOC limits and application methods not apply to aerosol coating products or powder coatings. Aerosol coatings are a separate category under Section 183(e), and powder coatings are an inherently low-VOC alternative to many liquid coatings.”

Consistent with the EPA CTG, ACA requests OH DAPC exempt powder coatings under Section 3745-21-26(A)(3)(iii) as follows:

“(iii) Aerosol coatings and Powder coatings.”

(David Darling, American Coatings Association)

Response 7: Ohio EPA has added “powder coatings” as the commenter suggested.

Comment 8: ACA supports the proposed exemption of metal coating lines from the VOC content limitations that utilize less than 3 gallons/day.
(David Darling, American Coatings Association)

Response 8: Ohio EPA appreciates the commenter’s support in our rule making changes.

3745-21-26(C)(1)

Comment 9: ACA also supports the higher VOC limit for high-performance architectural coatings (6.2 lbs. VOC/gal coating). **(David Darling, American Coatings Association)**

Response 9: Ohio EPA appreciates the commenter's support in our rule making changes.

Comment 10: Thank you for the opportunity for the American Coatings Association to comment on the pleasure craft portion of the Miscellaneous Metal and Plastic Parts CTG. Our Marine Coatings Committee has experience commenting on numerous other state adoptions – we have flagged as problematic in the Ohio version the category “Finish Primer/Surfacer” and below provide our technical rationale for a higher VOC limit.

Boat owners have very high expectations for the final look of their boats. The finish is expected to be super smooth, super glossy (almost ‘mirror-like’) and durable. Coatings can be applied by a variety of application methods (brush, roller or spray) and must flow out to give a smooth, glossy finish. In order to flow out and achieve such effects, products with a higher solvent content (lower solids content) are required for both the topcoats and the primers which go beneath them

Introducing high solids/low VOC primers that provide a smooth, easy-to-sand surface necessary to provide the aesthetics demanded by owners will require significant time to develop and evaluate. Currently, high solids/low VOC primers often require additional sanding, creating more dust, to achieve the same smooth surface that is obtained with currently available products. This would necessitate a change in working practices in yards to overcome the increased health hazard associated with the increased dust levels.

An additional issue relating to a switch to lower VOC Finish/Primer surfacers is that the cost can be as much as 40% or more higher than currently available, higher VOC products. This, in combination with increased labor costs associated with the additional sanding needed to remove the increased surface texture, will make yards in areas where a VOC limit of 420g/l is implemented uncompetitive with yards in other states.

As an interim measure to ensure that competitive products can be supplied into ozone non-compliance areas during the next four years that meet the aesthetic and performance requirements demanded by boat owners, the industry requires VOC level for “Finish Primer/Surfacer” coating category to be revised from 420 g/L to 600 g/L. **(John Hopewell, American Coatings Association)**

Response 10: Ohio EPA had discussions with the commenter and it was determined that the coatings manufacturers have been able to develop and manufacture coatings that comply with the proposed VOC emissions limit of 3.5 lbs/gal (600 g/L). It was agreed that it is not necessary to include the recommended interim standard in this rule.

End of Response to Comments