



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

BETH NAGUSKY
ACTING COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection
FROM: Jeff Crawford, Bureau of Air Quality
DATE: January 6, 2011

RE: Adoption: Chapter 129 Surface Coating Facilities including Appendix A

Statutory and Regulatory Reference:

A. Statutory authority.

38 MRSA Section 585-A provides that the Board of Environmental Protection "may establish and amend regulations to implement ambient air quality standards and emission standards. These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and prevent air pollution."

B. Specific legal mandates requiring adoption.

Section 184 of the Clean Air Act requires states to implement or update reasonably available control technology (RACT) controls on all major VOC and NOx emission sources and on source categories covered by a Control Technique Guideline (CTG) document.

EPA developed updated CTG: *Control Technique Guidelines for Metal Furniture Coatings (September 2007) and Control Technique Guidelines for Flat Wood Paneling Coatings (September 2006).*

Location/Applicability:

The amendments apply statewide.

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Description:

Background: Section 184 of the Clean Air Act requires states to implement or update reasonably available control technology (RACT) controls on all major VOC and NOx emission sources and on source categories covered by a Control Technique Guideline (CTG) document. EPA defines RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. In the late 1970's, EPA published CTGs recommending VOC controls for flat wood paneling and metal furniture, which were updated in September 2006 and September 2007, respectively. The Department is proposing to include these updates in Chapter 129 and amend Appendix A, accordingly.

Flat wood paneling: Most flat wood coating facilities apply stains and varnishes to natural plywood panels used for wall coverings, as well as fillers, sealers, primers, basecoats, inks, and topcoats. This category also includes tileboard and exterior siding made of solid wood, hardwood, or waferboard.

- The Department's proposal expands the types of paneling regulated by Chapter 129 to include exterior siding and tileboard. Emission limits for these two categories were not addressed in the 1978 CTG document.
- The amendments lower the threshold above which sources are subject to the rule to 15 lbs/day of VOC (from 10 tons per year).
- VOC emission limits are expressed in weight per volume units instead of a weight per surface area coated in the existing rule.

Metal furniture: Metal furniture coatings include paints and adhesives and are typically applied without a primer.

- The amendments provide VOC limits for eight types of coatings used on metal furniture and list 6 coatings that are exempt from the rule.
- The amendments lower the threshold to 15 lbs/day (from 10 tons per year) above which sources are subject to VOC controls.

The Department is proposing these amendments as part of its effort to satisfy the RACT requirements mandated under the CAA and regulations related to the 1997 8-hour ozone NAAQS. According to the EPA's Final Rule to Implement the 8-Hour Ozone NAAQS (70 FR 71612, November 29, 2005), areas classified as "moderate" nonattainment or higher¹ must submit a revision to the SIP rules for all CTG categories. The proposed amendments to Chapter 129 will fulfill Maine's obligation to promulgate rules and implement controls incorporating the CTG recommendations for metal furniture and flat wood paneling coatings.

¹ Maine is treated as a moderate nonattainment area under the Clean Air Act by way of its inclusion in the Ozone Transport Region.

Discussion: Based on comments received from two people during the comment period, the Department amended its original proposal in the following area. Under the metal furniture category, the Department has changed the VOC limits to 3.5 lb/gal and 6.7 lb/gal for two specialty coatings (metallic and pretreatment coatings) to correspond with the limits in the CTG.

Environmental Issues:

Volatile organic compounds contribute to ground-level ozone formation or smog which aggravates respiratory ailments such as asthma, bronchitis, and emphysema. The presence of ozone impedes the breathing of even healthy people.

Departmental Recommendation:

The Department recommends that the Board adopt Chapter 129, including Appendix A, as presented.

Estimated Time of Presentation:

10 minutes