



Land Air Water Legal Solutions LLC

Mark Hammond
610.898.3854
mhammond@landairwater.com

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Via Electronic Submission

Pennsylvania Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Quality
P.O. Box 8468
Harrisburg, PA 17105-8468
Attn: Arleen Shulman

Re: Comments on Control Measures under Consideration by the Ozone Transport Commission, Specifically Those Relating to Additional Limits on Solvent Degreasing.

Dear Ms. Shulman:

These comments are submitted in response to the Pennsylvania Department of Environmental Protection's ("Department") request for comments on control measures under consideration by the Ozone Transport Commission ("OTC"), specifically those relating to additional limits on solvent degreasing (the "Proposed Degreasing Model Rule"). We note that the preamble to the Proposed Degreasing Model Rule, published by the OTC on its website, notes that the "requirements for vapor degreasing remains the same as in the 2001 model rule, with the exception that all types of parts or substrates are regulated, not just metal parts." It is our understanding that this statement is consistent with the OTC's previous deliberations, including the presentation by the OTC's Stationary and Area Source Committee at the March 21, 2012 OTC meeting, as well as written comments submitted by various stakeholders.

It is our further understanding that the Proposed Degreasing Model Rule is intended to offer a compliance alternative to those vapor degreasers which cannot meet the requirements set forth in **4.0 Equipment Design and Work Practice Requirements (d) Batch Vapor Cleaning Machines Shall be Equipped With:**, among other sections. While OTC's purpose to maintain the current restrictions on vapor degreasers is clear¹, the current draft of the Proposed Degreasing Model Rule contains several typographical errors which could frustrate the OTC's intentions. Specifically, there are several incorrect cross-references in section **4.0 Equipment Design and Work Practice Requirements (g) Compliance Alternative**. The compliance alternative

¹ Excluding, of course, the expansion in applicability to vapor degreasers processing additional types of parts and substrates.

conditions were not included in the OTC's first draft of the proposed rule (See OTC website, Stakeholder Review Draft 081210B GMP). The compliance alternative conditions were included in the later OTC draft ("Second Draft") (see OTC website, Stakeholder Review Draft – 2A 081711 GMP) in substantially identical form to the Proposed Model Degreasing Rule.

The Second Draft establishes the compliance alternative provisions as a new section 4.0 (e). Condition 4.0(e)(5) establishes the compliance demonstration necessary for sources complying through the use of the compliance alternative provisions of section 4.0(e), and references section 4.0(e) explicitly, "Each owner or operator of a batch vapor or in-line solvent cleaning machine complying with section (e) above demonstrate compliance with the applicable...". In other words, the compliance alternative provisions were contained in section 4.0(e) in the Second Draft, but section 4.0(g) in the Proposed Model Degreasing Rule.

Unfortunately, the internal cross-reference for the compliance demonstration was not updated in section 4.0(g)(5) of the Proposed Model Degreasing Rule, which currently states, "owner or operator of a batch vapor or in-line solvent cleaning machine complying with section (e) above demonstrate compliance with the applicable...". The provision should read, "complying with section (g) above" not "complying with section (e) above."²

Section 4.0(g)(2)(ii) also incorrectly references section (e), where the proper cross-reference is to section (g) for the same reasons as previously set forth in relation to Section 4.0(g)(5).

Overall, the Proposed Model Degreasing Rule is difficult to evaluate; besides the incorrect cross-references discussed herein, it includes many formatting and typographical errors. While the current Proposed Model Degreasing Rule may be appropriate for use within the OTC as a discussion draft prior to final action by the OTC, the current Proposed Model Degreasing Rule is not appropriate for review and comment by affected stakeholders within the Commonwealth as to whether the Department should commit to adopting the rule.

Recommendations:

1. The Department's representatives on the OTC should ensure that the two incorrect cross-references to "section (e)" are corrected to read "section (g)" in Section 4.0(g)(2)(ii) and 4.0(g)(5), prior to final action by the OTC on the Proposed Model Degreasing Rule.
2. The Department should not take any action, including making any commitments to the OTC to adopt the final form of the Proposed Model Degreasing Rule, until a final and accurate version of the final form OTC model rule has been made available to Commonwealth residents through publication in the PA Bulletin, including a new 30-day period in which to submit written comments.

² In fact, section (e) in the Proposed Model Degreasing Rule pertains only to in-line vapor cleaning machines; batch vapor machines are regulated under section (d).

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Thank you for the opportunity to present comments regarding the Proposed Model Degreasing Rule. We look forward to reviewing the final form model rule, which will allow stakeholders within the Commonwealth a meaningful opportunity for public review and comment of proposed recommendations for additional control measures prior to final action by the Commission, as required under Section 7.4 of the Pennsylvania Air Pollution Control Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark C. Hammond". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Hammond, Esq.