

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-469 (IRRC #2930)

Flexible Packaging Printing Presses, Offset Lithographic Printing Presses and Letterpress Printing Presses, Adhesives, Sealants, Primers and Solvents

May 16, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the February 11, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Recordkeeping requirements. – Fiscal impact; Need.

The Board has calculated the cost of this rulemaking for the regulated community at \$714,015 for fiscal year 2012/2013 and at \$1,428,030 for subsequent years. These costs are based on information provided by the U.S. Environmental Protection Agency (EPA) and relate to volatile organic compound (VOC) emissions reduction equipment. We have two concerns relating to the cost calculations. First, commentators are concerned that daily record-keeping requirements imposed by the rulemaking will be costly to printing facilities that must comply with the rulemaking. The commentators also question the need for keeping daily records and maintaining those records for extended periods of time.

We agree that daily record-keeping requirements could be costly to printing facilities, many of which are small businesses. We ask the Board to quantify the costs of the record-keeping requirements of the proposed rulemaking and to explain the need for those requirements.

Second, the Board has acknowledged the large discrepancy between the number of potentially affected printing facilities identified by a trade association compared to the number of facilities identified by the Department of Environmental Protection's (DEP) Air Information Management System. We appreciate the Board's efforts as it works with the regulated community and DEP's Small Business Compliance Advisory Committee to gain a better understanding of the number of printing facilities that might be affected by this rulemaking. We ask the Board to incorporate its finding into any new fiscal impact calculations it prepares as it develops the final-form regulation. This should include costs associated with VOC emissions reductions equipment and record-keeping requirements.

2. Provisions more stringent than or inconsistent with federal standards – Need.

In Regulatory Analysis Form and the Preamble, the Board has identified four sections of the proposed rulemaking that are more stringent than EPA requirements. The Board has explained why the requirements for §§ 129.67a(g) and 129.67b(i) are necessary. However, it has not explained the need for the proposed language found in §§ 129.67b(c)(1)(i)(B) and 129.67b(c)(1)(ii). We ask the Board to provide a more detailed explanation of why these requirements are needed.

In addition, as noted by commentators, several sections of the rulemaking are inconsistent with the EPA 2006 Control Techniques Guideline (CTG) on which this rulemaking is based. For each of the following sections, we ask the Board to explain the need to deviate from the CTG: § 129.67a(a)(1)(ii); § 129.67a(c)(3); § 129.67a(c)(4); § 129.67b(a)(1)(i)—(iii); § 129b.67(c)(1)(i)(B); § 129b.67(c)(1)(ii); § 129.67b(d)(4)(i).

3. Section 121.1. Definitions. – Clarity.

The term “heatset” is used throughout the rulemaking. We believe the clarity of the rulemaking would be improved by defining this term.

A commentator has noted that the inclusion of the phrase “thin metal plate” in the definitions of “lithographic plate” and “lithographic printing” and recommends that “thin metal” be deleted because plates can also be made from paper or plastic. This language also appears in the definition of “offset lithographic printing.” We suggest that these revisions be included in the final-form rulemaking.

4. Section 129.67a. Control of VOC emissions from flexible packaging printing presses. – Implementation procedures; Clarity.

Subsection (d) Compliance monitoring requirements.

Subsection (d)(3)(i)(A) and (B) require certain temperatures to be “continuously monitored and recorded daily.” How would a printing facility “continuously” monitor a temperature gauge? As noted by a commentator on a similar provision found under § 129.67b(e), has the Board considered requiring gauges to be checked every 15 minutes?

5. Section 129.67b. Control of VOC emissions from offset lithographic printing presses and letterpress printing presses. – Reasonableness; Implementation procedures; Clarity.

Subsection (a) Applicability.

A commentator has suggested that the exemption for VOCs from adhesives used at facilities that are not used or applied with an offset lithographic printing press or a letterpress printing press found under Subsection (a)(2) needs to be expanded to cover all adhesives applied in graphic art operations. We note that § 129.67a(3) contains a similar provision relating to flexible packaging

printing presses. Has the Board considered expanding the exemption as suggested by the commentator?

Subsection (d) Emission limits for heatset web offset lithographic printing presses and heatset web letterpress printing presses.

A commentator has raised two concerns with Subsection (d)(4)(ii). First, they note that this subsection should be revised to reflect the fact that new technology used for these types of printing presses do not use “inlets.” Second, they question the need to obtain Department approval for alternative methods for demonstrating compliance because that issue is addressed during the permitting process. If these concerns can be addressed while meeting the required standards of the EPA, we ask the Board to do so.

Subsection (e) Compliance and monitoring requirements.

Subsection (2)(iv)(A) requires temperature monitors to be installed on specific equipment. A commentator has noted that installation of temperature monitors is not needed because handheld temperature monitors can provide the same function. If a handheld monitor provides accurate data, we suggest that the Board provide the regulated community the option of installing a monitor or using a handheld monitor. We note that § 129.67a(d)(3)(i) has a similar provision.

6. Miscellaneous Clarity.

- Under § 121.1, relating to definitions, the new definition of “batch” begins with the phrase “For purposes of § 129.67b . . .”, the new definition of “first installation date” begins with the phrase “For purposes of § 129.67a . . . and 129.67b . . .” and the new definition of “varnish” begins with the phrase “For purposes of § 129.67b . . .” Since these definitions are specific to the sections referenced in each definition, we suggest that the definitions be moved to those particular sections.
- The last sentence of the definition of “first installation date” found in § 121.1 is substantive and should be moved to the appropriate section or sections of the rulemaking.
- Under § 129.67b(e)(2)(ii), the acronyms “MSDS” and “CPDS” are used for the first time in the rulemaking. We suggest that the acronyms be fully explained in this subsection of the regulation.