

June 1, 2009

Merrily A. Gere
Connecticut Department of Environmental Protection
Bureau of Air Management
79 Elm Street
Hartford, CT 06106-5127

Dear Ms. Gere:

Subject: Notice of Intent to Amend the Regulations of Connecticut State Agencies and to Revise the State Implementation Plan for Air Quality
RCSA 22a-174-20, Draft Amendments dated 3/25/2009

In response to the subject notice's invitation to submit comments, I offer the following comments for your consideration.

Subdivision Numbering

As a general comment, there is/will be inconsistent subdivision numbering in several subsections. The amendments to subsection (l) deleted "(l)" before the subdivision numbers (1) and (2). However, subdivisions (3), (4), (5), and (6) retain the "(l)(subdivision)" format. The prior amendments incorporating subdivisions (7), (8), and (9) match the amended format for subdivisions (1) and (2), i.e., they are not preceded by the subsection letter.

Subsections (a), (e), (f) [as amended], (cc), and (dd) also have the format (subsection)(subdivision).

I recognize that the (subsection)(subdivision) format is necessary for reference within other subsections to identify the specific relevant subdivision. Regardless, it would seem that the Department would want to take the opportunity of the proposed amendments to make the (subsection)(subdivision) formats consistent throughout the section.

Coating Definition

It has been my experience that in some cases the definition of what is a coating has been raised. Historically I believe the problem relates to USEPA not defining "coating" in 50 CFR 100. Subsections (m) – Can Coating, (p) [as amended] – Furniture Coating, and (r) – Wire Coating have relatively unambiguous coating definitions. Subsections (n) – Coil Coating, (o) – Fabric and Vinyl Coating, and (q) – Paper Coating define a coating process that infers what a coating is but doesn't define coating by itself.

I recommend that consideration be given to adding a coating definition to those sections. Alternatively, a broad definition could be added to 22a-174-1. Either way, interpretation of what is and isn't a coating would be simplified.

Subsection (f)(9)

Subdivision (9)(C) states that subsection (f) shall not apply to:

"The use of any organic material where the as applied volatile content of the material consists only of water and organic solvent, and the organic solvent content does not exceed 20% by volume of the material."

As I read the subparagraph, a material must contain both water and organic solvent in order to be exempted.

What if a material contains 20 percent organic solvent or less but does not contain water also? Would it too be exempt?

Is the organic material volume less water if water is part of the volatile content? Although this subsection is not CTG based, subtracting the water content would be consistent with the CTG volatile organic compound definition, i.e. lb VOC/gal, less water..

Assuming the answer to these questions is yes, I suggest the language be revised to:

"...the as applied volatile content of the material consists of organic solvent or organic solvent and water, and the organic content does not exceed 20% by volume of the material, less water."

Subsection (l), subdivisions (1) and (2)

Subdivision (1)(K)(ii) states:

"In the research, development, manufacture and rework of ozone, nitrous oxide, fluorine, chlorine, bromine, halogenated compounds or oxygen in concentrations greater than [twenty-three percent (23%)] 23%,"

I believe a phrase is missing like that in subdivision (1)(K)(iv), i.e., "that exposes such metal parts". I can't envision that ozone, nitrous oxide, fluorine, chlorine, bromine, halogenated compounds or oxygen are reworked. Therefore, I suggest the (1)(K)(ii) language be revised to reflect subdivision (1)(K)(iv).

"In the research, development, manufacture, and rework that exposes such metal parts to ozone, nitrous oxide,..."

Subdivision (2)(C) provides an exception for metal cleaning equipment that use 1,1,1 trichloroethane (methyl chloroform), methylene-chloride (sic), or trichlorotrifluoroethane. 1,1,1 trichloroethane and trichlorotrifluoroethane are Group I ozone depleting substances that I believe were banned from production and use after 1996, with a few essential use exemptions.

Regardless, exempt (acetone) VOC are being or may be used for metal cleaning and as additional volatile organic material may be exempted in the future, I suggest that the subdivision be revised to read:

"Metal cleaning equipment which uses an exempt volatile organic compound as identified in 40 CFR 51.100(s)(1), as amended from time to time.

Of note, 1,1,1 trichloroethane (methyl chloroform, methylene-chloride, and trichlorotrifluoroethane are listed in 40 CFR 51.100(s)(1).

Subsection (ee) – deleted

How will deletion of this subsection affect orders issued under the requirements of this subsection? It would seem that such orders will lack regulatory authority as they were established under a subsection that will no longer exist.

If this subsection is to be deleted, internal references to the subsection that still appear should be deleted from subdivisions (cc)(1), (cc)(2), (cc)(3), (dd)(1), and ii(3)(iii) since the references will no longer be correct.

Subsection (ii) – General solvent cleaning

It is unclear as to whether the aerospace exemption, (3)(A)(4), applies to major and minor aerospace manufacturing and rework facilities. The phrase "in accordance" would allow exemption for both major and minor facilities. That is, a minor facility could establish and implement a program consistent with the requirements of 40 CFR 63.

CTDEP has indicated that their solvent cleaning regulation is derived from EPA's Industrial Cleaning Solvents CTG. EPA's CTG references the BAAQMD solvent cleaning operations regulation almost exclusively as the basis for the CTG guidance. The CTG recommends in Section V.B.1. that "the States exclude from applicability those cleaning operations in the following categories...":

- a. 1 Aerospace coatings;

2. Categories Subject to Specific Rules and Exemptions under Bay Area 8-4-117

10 Aerospace assembly and component coating operations;"

The CTG also suggests exclusion for those "categories of cleaning operations that are specifically excluded from applicability in Bay Area Regulation 8, Rule 4, General Solvent and Surface Coating Operations [Bay Area Air Quality Management District, San Francisco, CA]. Section 117 - Limited Exemption, Operations Subject to Specific Rules states that the surface preparation standards in Section 8-4-113 shall not apply to surface preparation of material subject to several categories of surface coating operations including "aerospace assembly and component coating operations". I have attached a copy of Rule 8, Regulation 4 (Attachment 1).

I do not believe the Bay Area solvent cleaning exemption is any way relates only to the provisions of to the USEPA Aerospace CTG. Regulation 8, Rule 29, Aerospace Assembly And Component Coating Operations (Attachment 2) pre-dates the CTG and does not appear to reflect the CTG's form and content. Their aerospace regulation does not address metal cleaning operations to the extent that does the Aerospace CTG. The regulation only addresses, very briefly, spray equipment cleaning in 8-29-304.2. The requirements under the BAAQMD aerospace regulation are limited to the minimization of solvent evaporative loss.

The BAAQMD solvent cleaning operations Regulation 8, Rule 16 (Attachment 3), exempts aerospace operations with the exception of that covered by their aerospace regulation, spray equipment cleaning as mentioned above. I have attached a copy of Staff Report for the 2002 amendments (Attachment 4) to the solvent cleaning operations rule. Note the aerospace industry comments regarding materials incompatibility issues. None of the comments refer to EPA's Aerospace CTG or the 40 CFR 63, Subpart GG requirements. One comment does reference the SCAQMD regulation. I believe the staff report information provides additional support to back-up that the background of the blanket aerospace exemption recommended in the Industrial Cleaning Solvents CTG.

The BAAQMD regulations do not refer to 40CFR 63, Subpart GG. The BAAQMD exemption, referenced in the CTG is actually from 8-4 as mentioned above. The aerospace exemption in 8-4 appears to have been added in 2002 but there is no specific reference to aerospace in the staff report for the Rule 4 amendments (Attachment 5).

The purpose of the foregoing is to focus on the BAAQMD aerospace regulation and cross reference 8-4 with 8-16 which references back to the 8-29 requirements. I believe the BAAQMD rules, the principal reference for the Industrial Solvent Solvents CTG, in sum support an exemption for all aerospace facilities, major and minor.

From a practical standpoint, requiring minor sources to comply with Subsection (ii) while exempting major facilities is unfair. Minor sources have the same precision cleaning and military and customer specification requirements. Extending the exemption to minor sources is enforceable. Records would have to be maintained to demonstrate that solvent cleaning operations are consistent with the 40 CFR 63.

I recommend that subdivision (3)(A)(iv) be revised to read:

"(iv) At any aerospace manufacturing and rework facility that is a major or minor source provided that cleaning solvent is used consistent with the requirements of and the exemptions in 40 CFR 63, Subpart GG."

Subsection (jj) – Spray application equipment

As with general solvent cleaning, I believe subdivision (3)(A)(iii) should be revised to provide an exemption for all aerospace manufacturing and rework facilities, regardless of source status.

Subsections (ii) and (jj)

It is conceivable that a general manufacturing facility may have to use a non-compliant solvent due to a customer's need, material compatibility, etc. Although there is a 55 gallon 12 month rolling aggregate exemption, there may be special instances where the 55 gallon exemption is not sufficient. I believe it would be beneficial and suggest that the Department provide an exception similar to the in subsection (j) [edited]:

"(A) The use a cleaning solvent that does not comply with subdivision (4)(A) of this subsection may be allowed upon obtaining approval from the Commissioner.

(B) Any request for an approval under this subdivision shall be made in writing to the Commissioner and shall include, at a minimum, the following information:

- (i) The scope of the activity,
- (ii) An assessment of alternative materials and procedures,
- (iii) Quantification of the amount of VOC that would be emitted as a result of such activity,
- (iv) The dates during which the activity will occur."

I appreciate the opportunity to provide comments on the proposed regulations. Should you have any questions or comments, please don't hesitate to contact me at (860) 257-1053 or by email at ebrackbill@sci-techinc.com.

Very truly yours,

SCI-TECH, INC.



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