



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

MEMORANDUM

DAVID P. LITTELL
COMMISSIONER

TO: Board of Environmental Protection
FROM: Jeff Crawford, Bureau of Air Quality
DATE: June 17, 2010
RE: Adoption of Proposed Rule: Chapter 154 Control of Volatile Organic Compounds from Flexible Package Printing

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 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 September 2006, EPA published a CTG for Flexible Package Printers that recommends control options for this source category.

Location/Applicability:

The proposed regulations will apply statewide.

Description:

The Department is proposing this rule 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 higher must submit a demonstration, as a revision to the SIP, that their current rules fulfill 8-hour ozone RACT requirements for all CTG categories and all major, non-CTG sources. This demonstration can be made with either a new RACT determination or a certification that previously-required RACT controls represent RACT for the 8-hour ozone NAAQS. For those cases in which states have new stationary sources not covered by existing RACT regulations, or when new data or technical information indicates that a previously adopted RACT

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measure does not represent a newly-available RACT control level, states are required to update their rules.

Discussion:

The proposed rule was posted to a 30-day public comment period, during which the Department received comments from two parties. Based on these comments, the Department amended its original proposal in the following areas:

Applicability: The rule was amended to exclude quality assurance/quality control and research development activities from the work practice requirements contained in Section 4.

Definitions: The Department added a definition for quality control /quality assurance operations and research and development purposes.

Work practices: The work practice requirements of Section 4 were amended to apply to adhesives, in addition to inks and coatings.

Recordkeeping: The recordkeeping provisions of Section 5 were amended to: (1) apply to the use of adhesives, in addition to inks and coatings; (2) include a provision requiring facilities with emissions below the applicability threshold to calculate their emissions before the application of control devices; (3) revise the recordkeeping requirements to be consistent with Maine's operating permit program; and (4) include test methods and monitoring procedures to ensure compliance with the required control efficiency (as required by Section 3 of the proposal).

Environmental Issues:

The proposed regulation will reduce emissions of volatile organic compounds from flexible package printing operations. Volatile organic compounds react with nitrogen oxides in the presence of sunlight to form ground level ozone, which is responsible for exacerbating a variety of respiratory ailments, such as asthma. Although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Although these symptoms are often temporary, repeated exposure can result in permanent lung damage.

Departmental Recommendation:

The Department recommends that the Board adopt the proposed Chapter 154 Control of Volatile Organic Compounds from Flexible Package Printing as proposed.

Estimated Time of Presentation:

10 minutes