

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT:

Request authorization for public hearing for Board Order AM-19-08, proposed rules affecting Chapters NR 422 and 423 pertaining to Reasonable Available Control Technology (RACT) for VOC sources engaged in solvent cleaning; lithographic printing; flexible package printing; flat wood panel coating; paper, film and foil coating; large appliance coating and metal furniture coating.

FOR: OCTOBER 2008 BOARD MEETING

TO BE PRESENTED BY: Larry Bruss - Regional Pollutant & Mobile Source Section Chief

SUMMARY:

Section 182(b)(2) of Clean Air Act requires implementation of reasonably available control technology (RACT) for sources of volatile organic compounds (VOC) in moderate and worse ozone nonattainment areas, for which EPA has published a Control Technology Guideline (CTG). DNR's rules set VOC RACT emission limits in Wisconsin's moderate ozone nonattainment areas. However, on March 17, 2008, EPA notified DNR that Wisconsin's state implementation plan was deficient because DNR's rules did not set VOC RACT emission limits in Wisconsin's ozone nonattainment areas consistent with recently published CTGs. The rule revisions are necessary to avoid potential federal sanctions, including withholding of federal highway funds, and implementation of a federal plan instead of State rules.

Since EPA has developed guideline documents for states to follow in developing RACT rules, the Bureau of Air Management does not expect to deal with major policy issues in developing the proposed revisions to the VOC RACT rules.

The groups directly affected include sources engaged in the following activities: industrial cleaning solvents; lithographic and letter press printing; flexible package printing; flat wood panel coating; paper, film and foil coating; large appliance coating; and metal furniture coating. Other interested parties include Wisconsin Manufacturers and Commerce, environmental groups and public health organizations.

In the past, the Board has adopted a number of rules addressing the control of VOC emissions from stationary sources to address the ozone nonattainment problems in southeastern Wisconsin. Most of the proposed changes are intended to stay current and consistent with federal changes and to add clarity to existing regulations.

RECOMMENDATION: That the Board authorize the Department to hold hearings on Order AM-19-08.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

/s/	9/26/08
_____	_____
Bureau Director, John H. Melby, Jr	Date
/s/	10/03/08
_____	_____
Administrator, Al Shea	Date
/s/	10/07/08
_____	_____
Secretary, Matthew J. Frank	Date

DATE: September 17, 2008 FILE REF: 4533

TO: Natural Resources Board Members

FROM: Matt Frank, Secretary

SUBJECT: Background Memo on Public Hearing Authorization for Order AM-19-08, Proposed Rules Affecting chs. NR 422 and 423 Pertaining to Updating Existing VOC RACT Rules Based on US EPA Control Techniques Guidelines

Why are these rules being proposed?

The Department proposes these rules to meet the requirements of Section 182(b)(2) of the federal Clean Air Act. Section 182(b)(2) requires states with moderate ozone nonattainment areas to update existing volatile organic compound (VOC) Reasonably Available Control Technology (RACT) regulations within 1 year of US EPA issuing updated Control Technology Guidelines (CTG). US EPA issued revised CTGs for four industrial source categories in September 2006 and three more in September 2007. The Department is basing the proposed rules on the revised CTGs. The rule revisions will be incorporated pursuant s. 285.11(6), Stats.

The proposed rules address updated requirements to the following VOC RACT categories.

- Paper Coating
- Metal Furniture Coating
- Large Appliance Coating
- Flat Wood Paneling Coating
- Flexible Package Printing
- Offset Lithographic Printing
- Industrial Cleaning Solvents

Summary of the Rules.

The Bureau of Air Management proposes to update VOC RACT rules based on revised US EPA CTG documents for the above-listed industrial categories. These proposed rules apply in Wisconsin's seven moderate ozone nonattainment counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha). The current limitations previously established in Administrative Code remain in place for each of these RACT categories. The following is a short summary of each proposed rule's provisions, referenced by the proposed rule section.

NR 422.075: Paper Coating

This proposed rule applies VOC control to paper, film and foil coating lines, and solvent cleaning work practices associated with this source sector. Paper coating lines include lines coating film and foil substrates in a uniform manner. The proposed rule applies to a subset of facilities regulated under the more general NR 422.07 that established RACT for this printing sector. The proposed rule applies new limits based on mass of VOC per mass of coating solids applied to individual coating lines emitting 25 tons per year VOC (maximum theoretical emissions) from the coating applicators and drying ovens. The

updated proposed rule establishes work practices to minimize VOC emissions from various activities, including cleaning and material handling, associated with the printing process. The work practices portion of the proposed rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all coating lines and related coating cleaning activities at the facility. The proposed rule requires coating line operations to achieve a 90% VOC control efficiency through the combination of installation of VOC control devices and/or use of compliant coatings based on VOC content. The proposed rule also addresses storage and disposal requirements, control requirements, recordkeeping, compliance testing, and certification testing.

NR 422.105, NR 422.115, NR 422.131: Metal Furniture, Large Appliance and Flatwood Panel Coating

These proposed rules apply VOC control to metal furniture coating, large appliance coating, flat wood panel coating and associated solvent cleaning work practices. The proposed rules require application of new coating limits by coating type based on mass of VOC per volume of non-water coating as applied, exempt specific coating operations and apply to facilities with emissions exceeding 15 lbs/day (maximum theoretical emissions). The proposed rules also establish a companion control requirement to utilize specific application techniques. The solvent cleaning work practices portion of the proposed rules apply to facilities emitting 15 lb/day of uncontrolled VOC emissions from all coating lines and related activities at the facility. The proposed rules require coating line operations to achieve a 90% VOC control efficiency through the combination of installation of VOC control devices and/or use of compliant coatings based on VOC content. The proposed rules also address storage and disposal requirements, control requirements, recordkeeping, compliance testing, and certification testing.

NR 422.141: Flexible Package Printing

This proposed rule applies VOC control to large flexible package printing presses, and associated solvent cleaning work practices. The proposed rule applies to individual large presses emitting 25 tons per year of VOC (maximum theoretical emissions) from inks, coatings and adhesives, combined, from the press dryer. Sources may choose to reduce VOC emissions from large individual presses by either installing control systems or accepting VOC content limits for inks, coatings and adhesives. The solvent cleaning work practices portion of the proposed rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all flexible package printing presses and related flexible package cleaning activities at the facility. The regulation addresses flexible package printing operations through the installation of VOC control devices, and storage and disposal requirements.

NR 422.143: Lithographic Printing

This proposed rule applies VOC control to lithographic printing presses emitting 25 tons per year of VOC (maximum theoretical emissions) from heatset inks from the press dryer. In accordance with the CTG, the proposed rule contains emission limitation exemptions for: up to 110 gallons of blanket or roller wash on a 12-consecutive month rolling basis, sheet-fed presses with a maximum sheet size of up to 11 inches by 17 inches, any lithographic press with a total fountain solution reservoir of less than one gallon, the printing of books on a heatset lithographic press, and heatset lithographic presses with a maximum web width of up to 22 inches. The proposed rule also contains fountain solution VOC content limits for heatset, non-heatset, sheet-fed presses, and blanket or roller wash. The solvent cleaning work practices portion of the proposed rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all lithographic printing presses and related lithographic cleaning activities at the facility. The proposed rule also addresses storage and disposal requirements, temperature monitoring requirements, control requirements, recordkeeping requirements, compliance testing, and certification testing requirements.

NR 423.037: Solvent Cleaning

This proposed rule applies VOC controls to industrial cleaning operations at facilities emitting 6.8 kg/day (15 lb/day) of uncontrolled VOC emissions from industrial cleaning operations. The proposed rule limits emissions by establishing solvent and solvent solution requirements, cleaning device and methods requirements, storage and disposal requirements, and recordkeeping requirements. Some industrial cleaning operations are regulated under industry specific RACT rules such as lithographic printers and large appliance manufacturers.

How does this proposal affect existing policy?

The proposed rules strike a balance between two competing regulatory requirements, the statutory limitation prohibiting the Department from going beyond federal minimum requirements and the anti-backsliding provision of the Clean Air Act. The Departments current policies require consistency with both of these requirements.

Who will be impacted by the proposed rule? How will they be impacted?

NR 422.075: NR 422.105: NR 422.115 NR 422.131, Coating Operations

A limited number of large coating operation facilities in the seven county moderate ozone nonattainment area will be affected by this proposed rule. The primary impact will be a requirement to utilize lower VOC content coating materials than currently allowed or install additional control equipment and a requirement to follow a set of work practices to limit fugitive VOC losses from evaporation in coating and cleaning activities. These elements represent current industry practice. EPA estimated control costs for coating operations are listed below.

- Paper coating - \$1180/ton VOC (\$2005).
- Metal furniture coating - \$1670/ton VOC (\$2005) with the incremental cost of the new coating limits and application practice requirements as \$200/ton (\$2005).
- Large appliance coating - \$500/ton VOC (\$2006).
- Flatwood panel coating - \$1900/ton VOC (\$2005) for interior and tileboard panels and \$2600/ton VOC (\$2005) for exterior siding.

NR 422.141, Flexible Package Printing

A limited number of flexible package printing facilities in the seven county moderate ozone nonattainment areas will be affected by this proposed rule. Based on an analysis using 2006 Wisconsin point source emissions inventory data, the proposed rule may apply to three flexible packaging printing facilities with print lines emitting more than 25 tons per year of uncontrolled VOC emissions. US EPA states in the 2006 Flexible Package Printing CTG that many facilities located in ozone nonattainment areas are already meeting the control levels being recommended in the CTG. Therefore, the print lines at these facilities may already be complying with the proposed regulation. If a facility is affected, US EPA estimates that VOC emission reduction cost effectiveness ranges from \$1,300 to \$2,800 /ton annually. The solvent cleaning and work practice requirements will apply to approximately 9 facilities in the area. Based on US EPA's CTG, most facilities probably comply already because the requirement is considered standard industrial practice. The total annual cost related to the cleaning requirements per printing facility is approximately \$1,485/ton (2005 dollars).

NR 422.143, Lithographic Printing

The proposed rule (NR 422.143) applies to large lithographic presses emitting 25 tons per year VOC (maximum theoretical emissions) from heatset inks from the press dryer. According to a recent analysis

based on 2006 point source emissions data, the individual lithographic press control requirements will affect approximately eight facilities in the seven moderate nonattainment counties. Many of the facilities located in the nonattainment area are already well controlled. Therefore, the large print lines at the eight potentially effected sources may already be meeting the proposed requirements. The solvent cleaning and work practice requirements will apply to approximately 26 facilities. The total annual cost related to the cleaning requirements per printing facility is approximately \$1,485 (2005 dollars).

NR 423.037, Industrial Cleaning Operations

The facilities impacted by will be limited to those emitting more than 15 lb/day of VOC emissions from industrial cleaning operations in the seven moderate nonattainment counties. Many of the processes at these facilities will be excluded due to the extensive exemptions provided in the proposed rule.

Using the method provided in the CTG, an analysis using 2006 Wisconsin point emissions inventory data determined that of the eighty-one facilities meeting the applicability threshold, only forty-nine are impacted by this proposed rule. The estimated emissions reductions are 409 tons per year of VOC. Approximately thirty tons of the emission reductions are from parts washers. The remainder is from other industrial cleaning activities. The costs associated with these emissions reductions are based on cost-effectiveness calculations from the California Bay Area Air Quality Management District as presented in the CTG. For parts washers, the annual cost is estimated to be \$1,664/ton. For other industrial cleaning activities, the annual cost savings is estimated to be \$1,326/ton. The cost savings are due to cleaning material cost. For the seven moderate nonattainment counties, the annual cost and emissions impacts are a cost savings of \$450,000 and a 410 tpy reduction in VOC emissions. Actual cost savings and emissions reductions are likely to be overestimated since some organic solvents may have already been replaced by water based solvents due to lower costs of aqueous cleaners.

Information on environmental analysis, if needed.

The Department has determined that these proposed rules represent a type III action under s. NR 150.03(3), and therefore do not need an environmental analysis.

Small business analysis.

These regulations will have a minimal economic cost to individual small businesses, because the major control requirements apply only to large facilities. Additionally, solvent cleaning work practices are considered standard industrial practice, therefore it is anticipated that most businesses affected by these proposed rules are already implementing the requirements.

Fiscal Estimate — 2008 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number Bill Number	Amendment Number if Applicable Administrative Rule Number NR 422 and 423
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Subject

The revision of chs. NR 422 & 423, Wis. Adm. Code, Updating Existing VOC RACT Rules Based on US EPA Control Technique Guidelines.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|--|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input checked="" type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

- Increase Costs — May be possible to absorb within agency's budget.
- Yes No
- Decrease Costs

Local: No Local Government Costs

- | | | |
|--|---|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | |

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.370 2 (bg) and 2 (bh)

Assumptions Used in Arriving at Fiscal Estimate

Rule Summary:

These volatile organic compounds (VOC) Reasonably Available Control Technology (RACT) rules are proposed so the Department will meet the Sec. 182(b)(2) requirement of the federal Clean Air Act. Section 182(b)(2) requires the Department to update existing VOC RACT regulations as US EPA issues updated Control Techniques Guidelines (CTG) for the RACT categories. US EPA released updated CTGs for the following seven source categories: flat wood paneling coating; paper, film and foil coating; large appliance coating; metal furniture coating; flexible package printing; offset lithographic printing; and industrial cleaning solvents. These rules will enable the Department to comply with the federal requirements.

State Fiscal:

The rule requirements will not create a significant fiscal effect on state government because the majority of the sources affected are already inspected, permitted and otherwise regulated by the Department. There will not be a significant fiscal impact on the majority of source categories. However, the Department estimates that the industrial cleaning solvents rule will result in an estimated 400 ton/year future reduction in reported VOC emissions. Therefore, the Department may lose up to \$15,000 (400* \$35.71/ton VOC) in emission fee revenue annually.

Private Sector Fiscal:

The Department believes that the proposed rules will not create a significant economic impact to private sector businesses. With a couple of minor exceptions, US EPA states in the CTGs that many facilities located in ozone nonattainment areas are already meeting the emission control levels recommended in the CTGs. In addition, the Department believes that the proposed industrial cleaning solvents work practices are already being implemented at many printing and coating facilities in the state.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joseph Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

Fiscal Estimate Worksheet — 2008 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 423.035 and 423.037

Subject

Updating the code to incorporate current federal VOC emission limit requirements for industrial cleaning solvents.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			- 15,000
Total State Revenues		\$	\$ - 15,000

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$	\$
Net Change in Revenues	\$ -15,000	\$

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **amend** NR 422.02(12), 422.07(title), 422.10(title), 422.11(title), 422.13(title), 422.142(title), 423.035(title), (1)(a) and (b), (2)(intro.), (b)(intro.) and 4., (e), (g), (3)(intro.), (6)(a) and (b) and (9)(a), 439.06(3)(j) and 484.04(16), (19) and (20) and to **create** NR 422.02(34g), (34r) and (107m), 422.075, 422.105, 422.115, 422.131, 422.141, 422.143, 423.02(5m) and (9t) and 423.037 relating to the application of reasonably available control technology emission limitations to sources of volatile organic compounds in ozone non-attainment counties, and affecting small business.

AM-19-08

Analysis Prepared by the Department of Natural Resources

1. Statute interpreted: Section 285.11(6), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

2. Statutory authority: Section 285.11(6), Stats.

3. Explanation of agency authority: The Department has the authority to develop, revise and implement comprehensive plans for the prevention, abatement and control of air pollution. These plans, which may include rules and/or control strategies, must conform with the Federal Clean Air Act. Measures beyond those required by the Clean Air Act may be included, provided the Governor determines that additional measures are needed based on the recommendations of the Natural Resources Board or a Department head that promulgates a rule or establishes a control strategy. However, measures beyond those required by the Clean Air Act must meet at least one of the following criteria:

a. The measures are part an interstate ozone implementation agreement signed by the governors of Wisconsin and Illinois.

b. The measures are necessary to comply with the air pollution percentage reductions specified for reasonable further progress in the Clean Air Act.

4. Related statute or rule: Several of the proposed rule revisions correspond to the source categories covered under the existing VOC rule provisions. The following is a list of the proposed rules and source categories followed [in brackets] by the corresponding existing rule provision:

NR 422.075: paper coating [422.07].

NR 422.105: furniture metal coating [422.10].

NR 422.115: large appliance coating [422.11].

NR 422.131: flatwood panel coating [422.13].

NR 422.141: graphic arts [422.14].

NR 422.143: lithographic printing [422.142].

NR 423.037: industrial cleaning operations [423.035].

5. Plain language analysis:

Under Sec. 182(b)(2) of the Clean Air Act (CAA), the Department is required to update its VOC

Reasonably Available Control Technology (RACT) regulations when EPA issues updated Control Techniques Guidelines (CTG) for RACT categories. These rules apply in Wisconsin's seven moderate ozone nonattainment counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha). More specific information is provided below.

NR 422.075:

This rule applies VOC control to paper, film and foil coating lines, and solvent cleaning work practices. The rule applies new limits based on mass of VOC per mass of coating solids applied to individual coating lines emitting 25 tons per year VOC (maximum theoretical emissions) from the coating applicators and drying ovens. Paper coating lines include lines coating film and foil substrates in a uniform manner. The solvent cleaning work practices portion of the rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all coating lines and related coating cleaning activities at the facility. The rule requires coating line operations to achieve a 90% VOC control efficiency through the combination of installation of VOC control devices and/or use of compliant coatings based on VOC content. The rule also addresses storage and disposal requirements, control requirements, recordkeeping, compliance testing, and certification testing. Requirements in NR 422.07 continue to apply to facilities currently covered by that section.

NR 422.105, NR 422.115, NR 422.131:

These rules apply VOC control to metal furniture coating, large appliance coating, flat wood panel coating and associated solvent cleaning work practices. The rules require application of new coating limits by coating type based on mass of VOC per volume of non-water coating as applied, exempt specific coating operations and apply to facilities with emissions exceeding 15 lbs/day (maximum theoretical emissions). The rules also establish a companion control requirement to utilize specific application techniques. The solvent cleaning work practices portion of the rules apply to facilities emitting 15 lb/day of uncontrolled VOC emissions from all coating lines and related activities at the facility. The rules require coating line operations to achieve a 90% VOC control efficiency through the combination of installation of VOC control devices and/or use of compliant coatings based on VOC content. The rules also address storage and disposal requirements, control requirements, recordkeeping, compliance testing, and certification testing. Requirements in NR 422.10, NR 422.11, NR 422.13 continue to apply to facilities currently covered by those sections.

NR 422.141:

This rule applies VOC control to large flexible package printing presses, and associated solvent cleaning work practices. The rule applies to individual large presses emitting 25 tons per year of VOC (maximum theoretical emissions) from inks, coatings and adhesives, combined, from the press dryer. Sources may choose to reduce VOC emissions from large individual presses by either installing control systems or accepting VOC content limits for inks, coatings and adhesives. The solvent cleaning work practices portion of the rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all flexible package printing presses and related flexible package cleaning activities at the facility. The regulation addresses flexible package printing operations through the installation of VOC control devices, and storage and disposal requirements. Requirements in NR 422.14 continue to apply to facilities currently covered by that section.

NR 422.143:

This rule applies VOC control to lithographic printing presses emitting 25 tons per year of VOC (maximum theoretical emissions) from heatset inks from the press dryer. In accordance with the CTG, the rule contains emission limitation exemptions for: up to 110 gallons of blanket or roller wash on a 12-consecutive month rolling basis, sheet-fed presses with a maximum sheet size of up to 11 inches by 17 inches, any lithographic press with a total fountain solution reservoir of less than one gallon, the printing of books on a heatset lithographic press, and heatset lithographic presses with a maximum web width of up to 22 inches. The rule also contains fountain solution VOC content limits for heatset, non-heatset, sheet-

fed presses, and blanket or roller wash. The solvent cleaning work practices portion of the rule applies to facilities emitting 15 lb/day of uncontrolled VOC emissions from all lithographic printing presses and related lithographic cleaning activities at the facility. The rule also addresses storage and disposal requirements, temperature monitoring requirements, control requirements, recordkeeping requirements, compliance testing, and certification testing requirements. Requirements in NR 422.142 continue to apply to facilities currently covered by that section.

NR 423.037:

This rule applies VOC controls to industrial cleaning operations at facilities emitting 6.8 kg/day (15 lb/day) of uncontrolled VOC emissions from industrial cleaning operations. The rule limits emissions by establishing solvent and solvent solution requirements, cleaning device and methods requirements, storage and disposal requirements, and recordkeeping requirements. Some industrial cleaning operations are regulated under industry specific RACT rules such as lithographic printers and large appliance manufacturers. Requirements in NR 423.035 continue to apply to facilities currently covered by that section.

6. Summary of, and comparison with, existing or proposed federal regulation:

The Clean Air Act requires the Department to update existing VOC RACT rules when EPA issues an updated CTG. The rules for paper, film and foil coating, flat wood panel coating, furniture metal coating, large appliance coating, flexible package printing, lithographic printing, and industrial cleaning operations are based directly on the EPA CTGs. The rules regulate VOC emissions from individual printing and coating lines with emissions above specified thresholds as well as regulating VOC cleaning solvent work practices.

7. Comparison with similar rules in adjacent states (Illinois, Iowa, Michigan and Minnesota):

Illinois and Michigan are in the same position as Wisconsin regarding potentially deficient VOC RACT rules and they need to update their rules to reflect recently updated CTGs. Both states had previously adopted VOC RACT for the categories of sources subject to this rulemaking where such sources existed in their ozone nonattainment areas. Neither state has issued proposed new or updated regulations, but both are on a schedule to incorporate the required VOC RACT updates within their ozone SIPs. Minnesota and Iowa do not have designated ozone nonattainment areas and are not deficient in regard to VOC RACT.

8. Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen:

The new paper, film and foil coating rule, the new furniture metal coating rule, and the new large appliance coating rule are based on the 2007 EPA CTGs for these categories. The new flexible package printing rule, the new lithographic printing rule, the new flatwood panel coating rule and the new industrial cleaning operations rule are based on the 2006 EPA CTGs for these source categories. All the recommended control measures in the CTGs are incorporated into the new rules. Retention of existing RACT limitations for these categories prevents backsliding. Some industrial cleaning operations will be regulated under industry specific RACT rules for lithographic printing; flexible package printing; flat wood paneling coatings; paper film and foil coatings; large appliance coatings; and metal furniture coatings.

9. Analysis and supporting documents used to determine the effect on small business or in preparation of an economic impact report:

NR 422.075:

The control requirements for individual large paper, film and foil coating lines will not impact small businesses. EPA established the number of affected facilities by surveys with consideration of state emission reporting and inventory estimates. Estimated cost per unit VOC reduced is provided by EPA in

the CTG document.

An economic impact report was not requested.

NR 422.105: NR 422.115: NR 422.131:

The control requirements for large metal furniture coating lines, large appliance coating lines and flatwood panel coating lines will not impact small businesses as these activities are already regulated for the facility threshold scale proposed. The coating activities and limits and control requirements reflect current industry coating types and application practices. EPA established the number of affected facilities by surveys with consideration of state emission reporting and inventory estimates. Estimated cost per unit VOC reduced is provided by EPA in the CTG document.

An economic impact report was not requested.

NR 422.141: NR 422.143:

The control requirements for individual large printing flexible package printing presses and large lithographic packaging printing presses will not impact small businesses, since these large presses are not used by small businesses.

The solvent cleaning work practices are considered standard industrial practice. Most, if not all, facilities already perform good solvent cleaning work practices. The proposed rule establishes those standard work practices as requirements.

An economic impact report was not requested.

NR 423:037:

The control requirements for industrial cleaning operations will not impact small businesses. The many solvent cleaning work practices are considered standard industrial practice. Most, if not all, facilities already perform good solvent cleaning work practices.

An economic impact report has not been requested.

10. Effect on small business:

These regulations will have a minimal economic cost to individual small businesses, because the major control requirements apply only to large facilities. Additionally, solvent cleaning work practices are considered standard industrial practice, therefore it is anticipated that most businesses affected by these rules are already implementing the requirements. More specific cost estimates are provided below.

NR 422.075:

Through industry surveys EPA has estimated that no more than 7 facilities may be regulated in the large paper, foil and film coating category (inclusive of fabric and vinyl coaters regulated under NR 422.08 in Wisconsin nonattainment counties. A smaller number meet the 25 ton/coating line regulatory threshold. EPA estimated the national average cost of this RACT control as \$1180/ton VOC (\$2005).

NR 422.105:

EPA estimated through prior survey work accomplished as background for the federal NESHAP that only 143 facilities operate within ozone nonattainment areas nationwide. Comparative statistics suggest less than a dozen furniture metal coating facilities operate in Wisconsin's nonattainment area. EPA estimated the national average cost of this coating RACT control as \$1670/ton VOC (\$2005) with the incremental cost of the new coating limits and application practice requirements as \$200/ton (\$2005).

NR 422.115:

For large appliance coating, EPA estimated the national average cost of this coating RACT control at \$500/ton VOC (\$2006).

NR 422.131:

Through industry surveys, EPA has estimated that only 1 facility is likely to be regulated for flatwood panel coating in Wisconsin nonattainment counties. EPA estimated the national average cost of this coating RACT control as \$1900/ton VOC (\$2005) for interior and tileboard panels and \$2600/ton VOC (\$2005) for exterior siding.

NR422.141: NR 422.143:

EPA estimates that the total annual cost related to the cleaning requirements per small lithographic and flexible package printing facilities is approximately \$1,485 (2005 dollars).

11. Agency contact person: Larry Bruss - larry.bruss@wisconsin.gov 608-264-7543

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Larry Bruss
Department of Natural Resources
Bureau of Air Management
PO Box 7921
Madison WI 53707
Fax: (608) 267-0560
larry.bruss@wisconsin.gov

Written comments may also be submitted to the Department using the Wisconsin Administrative Rules Internet Web site at <http://adminrules.wisconsin.gov>.

Hearing dates and submission deadline are to be determined.

SECTION 1. NR 422.02(12) is amended to read:

NR 422.02 (12) "Blanket or roller wash" means any cleaning solvent or solution used to remove excess inks, oils and debris from ~~the blanket roller or inking~~ lithographic press equipment, including rollers on a lithographic press, plates, and cylinders. Cleaning solvent or solution used as a rubber rejuvenator or to remove excess inks, oils and debris from the outside of the press or areas immediately around the press is also considered to be blanket or roller wash.

SECTION 2. NR 422.02(34g), (34r), and (107m) are created to read:

NR 422.02(34g) "Flexible packaging press" means a printing press that performs either packaging flexographic printing or packaging rotogravure printing.

(34r) "Flexible packaging printing" means the performance of packaging flexographic printing or packaging rotogravure printing.

(107m) "VOC composite partial vapor pressure" has the meaning given in s. NR 423.02(11g).

SECTION 3. NR 422.07 (title) is amended to read:

NR 422.07(title) **Paper coating – part 1.**

SECTION 4. NR 422.075 is created to read:

NR 422.075 **Paper coating – part 2.** (1) APPLICABILITY. (a) Subsection (3) applies to the owner or operator of a paper coating line located at a facility in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha if VOC emissions from all paper coating lines and related paper coating cleaning activities at the facility, before consideration of controls are greater than 15 pounds per day.

(b) Subsection (2) applies to the owner or operator of a facility located in the counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha that operates a paper coating line, that has maximum theoretical emissions of VOCs equal to or greater than 25 tons per year from coatings.

(2) EMISSION LIMITATIONS. (a) On and after May 1, 2010, no owner or operator may cause, allow or permit the emission of any VOCs from an individual paper coating line in excess of either of the following emission limitations:

1. 0.2 kg VOC/kg solids (0.2 lb VOC/lb solids) applied for pressure sensitive tape and label coating.

2. 0.4 kg VOC/kg solids (0.4 lb VOC/lb solids) applied for paper, film and foil coating.

(b) Notwithstanding s. NR 422.04(4), an owner or operator using a control device to achieve compliance with par. (a) as allowed under s. NR 422.04(2)(c), shall achieve a minimum overall VOC control efficiency of 90%.

(3) WORK PRACTICES. On and after 3 months after the effective date of this section ... [LRB insert date], the owner or operator of a facility subject to this subsection shall employ work practices to minimize VOC emissions from mixing operations, storage tanks and other containers, and handling

operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, at a minimum, storing all VOC coatings, thinners, and cleaning materials in closed containers or pipes, closing mixing vessels which contain VOC coatings and other materials except when in direct use, and minimizing emissions of VOC during cleaning of coating application, storage, mixing and conveying equipment.

SECTION 5. NR 422.10 (title) is amended to read:

NR 422.10(title) **Furniture metal coating – part 1**.

SECTION 6. NR 422.105 is created to read:

NR 422.105 **Furniture metal coating – part 2**. (1) APPLICABILITY. This section applies to facilities which are located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha and have VOC emissions greater than or equal to 15 pounds per day from the application of coatings, including the associated activities identified in sub. (5) to metal furniture. For purposes of this section, coatings include paints, sealants, caulks, inks, adhesives or maskants, but do not include metal protection oils, acids and bases.

(2) EXEMPTIONS. The following coating types are exempt from the emission limitations in sub.

(3):

- (a) Stencil coatings.
- (b) Safety-indicating coatings.
- (c) Solid film lubricants.
- (d) Electric-insulating and thermal-conducting coatings.
- (e) Touch-up and repair coatings.
- (f) Hand-held aerosol can coatings.

(3) EMISSION LIMITATIONS. On and after May 1, 2010, no owner or operator may cause, allow or permit the emission of any VOCs in excess of limits listed in Table 2A. Notwithstanding s. NR 422.04(4), an owner or operator using a control device to achieve compliance with this subsection as allowed under s. NR 422.04(2)(c), shall achieve a minimum overall VOC control efficiency of 90%.

Table 2A

VOC Content Limitations For Coatings Used In Furniture Metal Coating
[Kilograms/liter (pounds/gallon) of coating, excluding water, as applied]

Coating Type	Maximum VOC Content	
	Cured coating	Air-dried coating
1. General, One Component	0.275 (2.3)	0.275 (2.3)
2. General, Multi-Component	0.275 (2.3)	0.340 (2.8)
3. Extreme High Gloss	0.360 (3.0)	0.340 (2.8)
4. Extreme Performance	0.360 (3.0)	0.420 (3.5)
5. Heat Resistant	0.360 (3.0)	0.420 (3.5)
6. Metallic	0.420 (3.5)	0.420 (3.5)
7. Pretreatment Coatings	0.420 (3.5)	0.420 (3.5)
8. Solar Absorbent	0.360 (3.0)	0.420 (3.5)

(4) APPLICATION EQUIPMENT AND METHODS. No owner or operator of a furniture metal coating line subject to sub. (3) may apply coatings unless one of the following types of high transfer efficiency application equipment is used in accordance with the manufacturer's recommendations:

- (a) Electrostatic application equipment.
- (b) High-volume, low-pressure (HVLP) spray method application equipment.
- (c) Flow coating.
- (d) Roller coating.
- (e) Dip coating, including electrodeposition.

(5) WORK PRACTICES. An owner or operator of a furniture metal surface coating facility shall employ work practices to minimize VOC emissions from mixing operations, storage tanks and other containers, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, at a minimum, storing all VOC coatings, thinners, and cleaning materials in closed containers or pipes, closing mixing vessels which contain VOC coatings and other materials except when in direct use, and minimizing emissions of VOC during cleaning of coating application, storage, mixing and conveying equipment.

SECTION 7. NR 422.11(title) is amended to read:

NR 422.11(title) **Surface coating of large appliances – part 1.**

SECTION 8. NR 422.115 is created to read:

NR 422.115 **Surface coating of large appliance – part 2.** (1) APPLICABILITY. This section applies to facilities which are located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha and have VOC emissions greater than or equal to 15 pounds per day from large appliance surface coating, including the associated activities identified in sub. (5). For purposes of this section, coatings include paints, sealants, caulks, inks, adhesives, and maskants, but do not include metal protection oils, acids and bases.

(2) EXEMPTIONS. The following coating types are exempt from the emission limitations in sub.

(3):

- (a) Stencil coatings.
- (b) Safety-indicating coatings.
- (c) Solid film lubricants.
- (d) Electric-insulating and thermal-conducting coatings.
- (e) Touch-up and repair coatings.
- (f) Hand-held aerosol can coatings.

(3) EMISSION LIMITATIONS. On and after May 1, 2010, no owner or operator may cause, allow or permit the emission of any VOCs in excess of limits listed in Table 2B. Notwithstanding s. NR 422.04(4), an owner or operator using a control device to achieve compliance with this subsection as allowed under s. NR 422.04(2)(c), shall achieve a minimum overall VOC control efficiency of 90%.

Table 2B

VOC Content Limitations For Coatings Used In Large Appliance Coating
[Kilograms/liter (pounds/gallon) of coating, excluding water, as applied]

Coating Type	Maximum VOC Content	
	Cured coatings	Air-dried coatings
1. General, One Component	0.275 (2.3)	0.275 (2.3)
2. General, Multi-Component	0.275 (2.3)	0.340 (2.8)
3. Extreme High Gloss	0.360 (3.0)	0.340 (2.8)
4. Extreme Performance	0.360 (3.0)	0.420 (3.5)
5. Heat Resistant	0.360 (3.0)	0.420 (3.5)
6. Metallic	0.420 (3.5)	0.420 (3.5)
7. Pretreatment Coatings	0.420 (3.5)	0.420 (3.5)
8. Solar Absorbent	0.360 (3.0)	0.420 (3.5)

(4) APPLICATION EQUIPMENT AND METHODS. No owner or operator of a large appliance surface coating line subject to sub. (3) may apply coatings unless one of the following types of high transfer efficiency application equipment is used in accordance with the manufacturer's recommendations:

- (a) Electrostatic application equipment.
- (b) High-volume, low-pressure (HVLP) spray method application equipment.
- (c) Flow coating.
- (d) Roller coating.
- (e) Dip coating, including electrodeposition.

(5) WORK PRACTICES. An owner or operator of a large appliance surface coating facility shall employ work practices to minimize VOC emissions from mixing operations, storage tanks and other containers, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, at a minimum, storing all VOC coatings, thinners, and cleaning materials in closed containers or pipes, closing mixing vessels which contain VOC coatings and other materials except when in direct use, and minimizing emissions of VOC during cleaning of coating application, storage, mixing and conveying equipment.

SECTION 9. NR 422.13(title) is amended to read:

NR 422.13 Flat wood panel coating – part 1.

SECTION 10. NR 422.131 is created to read:

NR 422.131 **Flat wood panel coating – part 2.** (1) APPLICABILITY. This section applies to facilities which are located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha and have VOC emissions equal to or greater than 15 pounds per day from the application of coatings, inks and adhesives, including the associated activities identified in sub. (3), to wood and wood containing panel products including any interior panel, exterior siding, and tileboard meeting ANSI class I hardboard specifications.

(2) EMISSION LIMITATIONS. On and after May 1, 2010, no owner or operator of a facility subject to this section may cause, allow or permit the emission of any VOCs from a process line applying any ink, coating or adhesive in excess of 0.25 kilograms per liter material (2.1 pounds per gallon) excluding water. Notwithstanding s. NR 422.04(4), an owner or operator using a control device to achieve compliance with this subsection as allowed under s. NR 422.04(2)(c), shall achieve a minimum overall VOC control efficiency of 90%.

(3) WORK PRACTICES. An owner or operator of a flatwood panel coating facility shall employ work practices to minimize VOC emissions from mixing operations, storage tanks and other containers, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, at a minimum, storing all VOC coatings, thinners, and cleaning materials in closed containers or pipes, closing mixing vessels which contain VOC coatings and other materials except when in direct use, and minimizing emissions of VOC during cleaning of coating application, storage, mixing and conveying equipment.

SECTION 11. NR 422.141 is created to read:

NR 422.141 **Flexible package printing.** (1) APPLICABILITY. (a) Subsection (3) applies to the owner or operator of a flexible packaging press located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha if VOC emissions from all flexible packaging printing presses and related flexible packaging cleaning activities at the facility, before consideration of controls, have ever been greater than 15 pounds per day. When determining the VOC emissions for applicability

under this paragraph, the VOC emissions from the cleaning of electronic components of a flexible packaging press, pre-press and post-press cleaning operations and the use of janitorial supplies used to clean around a flexible packaging press are excluded. In addition, the VOC emissions from solvents used in cold cleaners are excluded for applicability purposes.

(b) Subsection (2) applies to the owner or operator of a facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha that operates a flexible packaging press that has maximum theoretical emissions of VOC equal to or greater than 25 tons per year from inks, coatings and adhesives combined, from the press dryer.

Note: If a facility is subject to the emission limits of this section and s. NR 422.14, compliance with this section satisfies the compliance requirements for any emission limits that apply under s. NR 422.14.

(2) EMISSION LIMITATIONS. On and after May 1, 2010, no owner or operator of a flexible packaging press subject to this subsection may operate, or cause, allow or permit the operation of the press unless the owner or operator does one of the following:

(a) Installs and operates a vapor recovery system, incinerator or catalytic oxidation system to control VOC emissions. The overall VOC emission reduction efficiency of any capture system and control device, as measured across the entire control system, shall be at least:

1. 65% by weight for a flexible packaging press that was first installed prior to March 14, 1995 and that is controlled by a control device that was installed prior to the effective date of this paragraph ... [LRB insert date]. VOC emissions from an incinerator or catalytic oxidation system shall be measured as carbon.

2. 70% by weight for a flexible packaging press that was first installed prior to March 14, 1995 and that is controlled by a control device that was first installed on or after the effective date of this paragraph ... [LRB insert date]. VOC emissions from either an incinerator or catalytic oxidation system shall be measured as carbon.

3. 75% by weight for a flexible packaging press that was first installed on or after March 14, 1995 and that is controlled by a control device that was first installed prior to the effective date of this paragraph ... [LRB insert date]. VOC emissions from an incinerator or catalytic oxidation system shall be measured as carbon.

4. 80% by weight of VOCs for a flexible packaging press that was first installed on or after March 14, 1995 and that is controlled by a control device that was first installed on or after the effective date of this paragraph ... [LRB insert date]. VOC emissions from an incinerator or catalytic oxidation system shall be measured as carbon.

Note: With regard to use of the phrase "first installed" in this paragraph, the first installation date for a piece of equipment does not change if the equipment is later moved to a new location. For example, if a brand new press first installed in 1992 is moved to a new location in 1998, the first installation date is still 1992.

(b) Uses inks, coatings and adhesives that do not exceed one of the following VOC content limits:

1. 0.8 kg VOC/kg solids (0.8 lb VOC /lb solids) applied.
2. 0.16 kg VOC/kg material (0.16 lb VOC/lb material) applied.

(3) WORK PRACTICES: On and after 3 months after the effective date of this section ... [LRB insert date], the owner or operator of a flexible packaging press subject to this subsection shall store all solvents, solvent solutions, and any applicator moistened with solvents or solvent solutions that are used in cleaning operations related to flexible packaging printing in covered non-absorbent, non-leaking containers, except when filling or emptying the container.

SECTION 12 NR 422.142(title) is amended to read:

NR 422.142(title) **Lithographic printing – part 1.**

SECTION 13. NR 422.143 is created to read:

NR 422.143 **Lithographic printing - part 2.** (1) APPLICABILITY. (a) Subsection (4) applies to the owner or operator of a printing facility that operates a lithographic printing press in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha if actual VOC emissions from all lithographic printing presses, including related lithographic cleaning activities at the facility, before consideration of controls, have ever been greater than 15 pounds per day. When determining the VOC emissions for applicability under this paragraph, the VOC emissions from the cleaning of electronic components of a lithographic printing press, pre-press and post-press cleaning operations and the use of janitorial supplies used to clean around a lithographic printing press are excluded. The VOC emissions

from solvents used in cold cleaners are excluded for applicability purposes.

Note: Janitorial supplies are cleaners, such as detergent-based products, used to clean the floor or for other general cleaning purposes, for example, areas not contaminated with spilled ink.

(b) Subsection (3) applies to the owner or operator of any heatset web lithographic printing press at a printing facility in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha.

(2) EXEMPTIONS. The following exemptions apply to lithographic printing operations in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha counties:

(a) Up to 110 gallons of blanket or roller wash, on a 12-consecutive month rolling basis, which do not meet the low VOC composite partial vapor pressure or low VOC content requirements as stated in this section, are exempt from the requirements of this section.

(b) The fountain solution VOC content requirements in sub. (3)(b) do not apply to sheet-fed presses with a maximum sheet size of up to 11 inches by 17 inches or to any lithographic press with a total fountain solution reservoir of less than one gallon.

(c) The printing of books on a heatset lithographic press is exempt from the requirements of sub. (3).

(d) Heatset lithographic presses with a maximum web width of up to 22 inches are exempt from the requirements of sub. (3).

(3) EMISSION LIMITATIONS. (a) *Dryer exhaust*. 1. On and after May 1, 2010, no owner or operator of a heatset web lithographic printing press may operate, or cause, allow or permit the operation of a lithographic press that has maximum theoretical emissions of VOCs, from the dryer, equal to or greater than 25 tons per year from heatset inks, unless the owner or operator installs and operates an emission control device and meets the applicable emission limitation as follows:

a. If the emission control device was first installed prior to May 1, 2010, the owner or operator shall reduce VOC emissions from the lithographic press dryer exhaust by 90% by weight as carbon, minus methane and ethane, or maintain a maximum dryer exhaust outlet VOC concentration of 20 ppmv, as carbon, minus methane and ethane.

b. If the emission control device was first installed after May 1, 2010, the owner or operator shall

reduce VOC emissions from the lithographic press dryer exhaust by 95% by weight as carbon, minus methane and ethane, or maintain a maximum dryer exhaust outlet VOC concentration of 20 ppmv, as carbon, minus methane and ethane.

Note: With regard to use of the phrase "first installed" in this paragraph, the first installation date for a control device does not change if the device is later moved to a new location. For example, if a brand new control device first installed in 1992 is moved to a new location in 1998, the first installation date is still 1992.

2. If a combined dryer and control device is a part of the press design, a 100% capture at the control inlet may be assumed for purposes of meeting the emission reduction limits in subd. 1.

(b) *Fountain solutions.* 1. 'Heatset web presses'. On and after May 1, 2010, any person who owns or operates a heatset web lithographic printing press shall use a fountain solution which has a VOC content, as applied, of no more than one of the following:

a. 1.6% by weight if the fountain solution contains any restricted alcohol and is not refrigerated to 60°F or less.

b. 3.0% by weight if the fountain solution contains any restricted alcohol and is refrigerated to 60°F or less.

c. 5.0% by weight if the fountain solution contains no restricted alcohol.

2. 'Non-heatset web presses'. On and after May 1, 2010, any person who owns or operates a non-heatset web lithographic printing press shall use a fountain solution which contains no restricted alcohol and which has a VOC content, as applied, of no more than 5.0% by weight.

3. 'Sheet-fed presses'. On and after May 1, 2010, any person who owns or operates a sheet-fed lithographic printing press shall, use a fountain solution which has a VOC content, as applied, of no more than one of the following:

a. 5.0% by weight.

b. 8.5% by weight if the fountain solution is refrigerated to 60°F or less.

(c) *Blanket or roller wash.* Except as provided in sub. (2)(a), on and after May 1, 2010, no owner or operator of a lithographic printing press may use, or cause, allow or permit the use of a blanket or roller wash unless the VOC content of the wash is less than or equal to 30% by weight or has a composite partial vapor pressure of less than or equal to 10 mm of Hg at 68°F.

(4) WORK PRACTICES. (a) On and after 3 months after the effective date of this rule ... [LRB

insert date], the owner or operator of a lithographic press subject to this subsection shall store all solvents, solvent solutions and any applicator moistened with solvents or solvent solutions that are used in cleaning operations related to lithographic printing in covered non-absorbent, non-leaking containers, except when filling or emptying the container.

(5) TEMPERATURE MONITORING. The owner or operator of any lithographic printing press shall monitor, at least once each 8-hour shift, the temperature of each fountain solution reservoir for any fountain solution subject to sub. (3)(b)1.b. or 3.b.

(6) RECORDKEEPING REQUIREMENTS. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any lithographic printing press shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to an authorized department representative at any time during normal working hours. The information required is:

(a) For a heatset web lithographic printing press using a control device, for each day of operation:

1. Control device monitoring data in accordance with s. NR 439.055.
2. A log of the operating time for the control device, control device monitoring equipment, and the associated printing line or operation.
3. A maintenance log for the control device and control device monitoring equipment detailing all routine and non-routine maintenance performed and including the dates and duration of any outages.

(b) For fountain solutions monitored under sub. (5), the fountain solution reservoir temperature for each 8-hour shift of operation.

(c) For each fountain solution used, the percent by weight VOC content as applied, and the CAS number and chemical name of each restricted alcohol.

(d) For each blanket or roller wash, the percent by weight VOC content as applied or the composite partial vapor pressure, as appropriate, in measurement units consistent with the applicable emission limitation.

(e) For each month of operation, the volume of all blanket or roller wash used which does not meet either of the emission limitations in sub. (3)(c).

(7) COMPLIANCE TESTING. (a) The owner or operator of a heatset web lithographic printing press shall demonstrate compliance with the appropriate destruction efficiency or emission rate in sub. (3)(a) by performing compliance emission tests on each control device. The initial emission tests shall be performed by the compliance deadline in sub. (8)(a)1. or (b)1. or 2. Each emission test shall follow the methods and procedures listed in s. NR 439.07. Method 18, 25 or 25A in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(16), (19) and (20), shall be used to determine the VOC concentration at the sampling points. When determining the VOC concentration, the probe shall be heated during testing to at least the exhaust gas stream temperature.

(b) The owner or operator of a heatset web lithographic printing press shall perform the compliance emission tests required under par. (a) according to one of the following applicable test schedules:

1. Any facility with allowable VOC emissions from lithographic printing presses of 100 tons or more per year shall perform an emission test which demonstrates compliance with sub. (3)(a) every 24 months. Each biennial test shall be performed within 90 days of the anniversary date of the initial emission test.

2. Any facility with allowable VOC emissions from lithographic printing presses of less than 100 tons per year shall perform an emission test which demonstrates compliance with sub. (3)(a) every 48 months. Each test shall be performed within 90 days of the anniversary date of the initial emission test.

(c) The VOC content of heatset web, sheet-fed and cold set web lithographic inks shall be determined in accordance with s. NR 439.06(3)(j).

(8) COMPLIANCE SCHEDULE AND CERTIFICATION REQUIREMENTS. (a) *Existing sources.* 1. The owner or operator of a lithographic printing press shall comply with the applicable emission limitations for the dryer exhaust in sub. (3)(a) by May 1, 2010.

2. The owner or operator of a heatset web lithographic printing press shall submit to the department, no later than July 1, 2010, written certification that the press is in compliance with the applicable requirements of subs. (3) to (5) and shall provide a demonstration of compliance in accordance with subs. (6) and (7). A compliance emission test performed in accordance with s. NR 439.07, no more than 2 years prior to the compliance deadline, which demonstrates compliance with sub. (3)(a), is

acceptable as a demonstration of compliance in accordance with sub. (7).

(b) *New sources* 1. The owner or operator of a heatset web lithographic printing press which is installed after May 1, 2010 shall perform a compliance emission test within 180 days after installation of the press and shall submit to the department no later than 60 days after the test written certification that the press is in compliance with the applicable requirements of subs. (3) and (6) and a demonstration of compliance in accordance with subs. (7) and (8).

2. The owner or operator of any lithographic printing press, other than a heatset web press, which is installed after May 1, 2010 shall submit to the department, no later than 180 days after installation of the press, written certification that the press is in compliance with the applicable requirements of subs. (3) and (6) and a demonstration of compliance in accordance with subs. (7) and (8).

SECTION 14. NR 423.02(5m) and (9t) are created to read:

NR 423.02(5m) "Flexible magnetic data storage disc" means a flat, circular plastic film, contained in a non-rigid envelope, with a magnetic coating on which digital information can be stored by selective magnetization of portions of the flat surface.

(9t) "Rigid magnetic data storage disc" means a flat, circular, non-flexible plate with a magnetic coating on which digital information can be stored by selective magnetization of portions of the flat surface.

SECTION 15. NR 423.035(title), (1)(a) and (b), (2)(intro.), (b)(intro) and 4., (e),(g),(3)(intro.), (6)(a) and (b) and 9(a) are amended to read:

NR 423.035(title) **Industrial cleaning operations-part 1.**

(1)(a) Except as provided in subd. 2. or sub. (9)(a), this section applies to industrial cleaning operations at facilities that are located in Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha county and have maximum theoretical emissions of VOCs from the facility, excluding any maximum theoretical emissions of VOCs resulting from combustion, or VOCs specifically subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420, 421 or 422, or s. NR 423.03, 423.05, 424.04 or 424.05, of 25 tons per year or more.

Note: To determine the maximum theoretical emissions of VOCs from a facility, excluding any maximum theoretical emissions of VOCs specifically subject to the cited provisions, use the following procedure. 1. Calculate the maximum theoretical emissions of VOCs from the facility excluding emissions from combustion. 2. Calculate the maximum theoretical emissions of VOCs from the facility subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420, 421 or 422, or s. NR 423.03, 423.05, 424.04 or 424.05. 3. Subtract the emissions calculated in step 2 from the emissions calculated in step 1. 4. If the quantity calculated in step 3 is less than 25 tons per year, then the only requirements of this section that apply to the facility are the recordkeeping requirements of sub. (9)(a).

(b) Except as provided in subd. 2. or sub. (9)(a), this section applies to industrial cleaning operations at facilities that are located in Kewaunee, Manitowoc or Sheboygan county and have maximum theoretical emissions of VOCs from the facility, excluding any maximum theoretical emissions of VOCs resulting from combustion, or VOCs specifically subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420, 421 or 422, or s. NR 423.03, 423.05, 424.04 or 424.05, of 100 tons per year or more.

Note: To determine the maximum theoretical emissions of VOCs from a facility, excluding any maximum theoretical emissions of VOCs specifically subject to the cited provisions, use the following procedure. 1. Calculate the maximum theoretical emissions of VOCs from the facility excluding emissions from combustion. 2. Calculate the maximum theoretical emissions of VOCs from the facility subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420, 421 or 422, or s. NR 423.03, 423.05, 424.04 or 424.05. 3. Subtract the emissions calculated in step 2 from the emissions calculated in step 1. 4. If the quantity calculated in step 3 is less than 100 tons per year, then the only requirements of this section that apply to the facility are the recordkeeping requirements of sub. (9)(a).

(2)(intro.) EXEMPTIONS. If ~~an~~ any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. ~~Exemptions include the~~ The following exemptions are applicable to various provisions of this section:

(b)(intro.) Subsection (3) does not apply to any of the following activities or facilities:

4. Facilities ~~where~~ whose aggregate use of solvent and solvent solutions which do not comply with the applicable VOC content limits in sub. (3) and of any coatings and inks exempt under s. NR 422.03(7) does not exceed 55 gallons during any 12 consecutive months at the facility.

(e) Subsection (7) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, ~~except for robotic systems that can be~~ are programmed to spray into a closed container.

(g) Subsections (4) to (8) do not apply to cleaning ~~using~~ which uses solvents or solvent solutions containing no more than 0.05 kilograms of VOC per liter.

(3)(intro.) SOLVENT AND SOLVENT SOLUTION REQUIREMENTS. Except as provided under sub. (6), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations on ~~or~~ and after January 1, 2002 unless the VOC content of the solvent or solvent solution is less than or equal to the applicable VOC content listed in Table 1 for the respective cleaning operation.

(6)(a) The emission control system has ~~an~~ a minimum overall emission reduction efficiency of 85% for VOC emissions as determined in accordance with s. NR 439.06(3)(am).

(b) The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06(3)(a).

(9)(a) To determine applicability under sub. (1), each owner or operator of an industrial cleaning operation at a facility located in Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county shall maintain records of the maximum theoretical emissions of VOCs from the facility excluding any maximum theoretical emissions of VOCs resulting from combustion, or VOCs specifically subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420, 421 or 422, or s. NR 423.03, 423.04, 423.05, 424.04 or 424.05.

SECTION 16. NR 423.037 is created to read:

NR 423.037 **Industrial cleaning operations-part 2.** (1) APPLICABILITY. On and after May 1, 2010, except as provided in sub. (9)(a), this section applies to industrial cleaning operations at facilities that are located in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county and that have actual emissions of VOCs from industrial cleaning operations from the facility with all control equipment inoperative of 15 pounds per day or more.

(2) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions are applicable to various provisions of this section:

(a) This section does not apply to:

1. Operations regulated under s. NR 421.06(2)(c), 422.075(3), 422.095(6), 422.105(4),

422.115(4), 422.131(3), 422.141(3), 422.142(2)(c), 422.143(4), 422.145(2)(d), 422.15(8), 422.155(3) or 423.03.

2. Stripping of cured coatings, cured inks or cured adhesives.
3. Cleaning operations in graphic arts pre-press areas including the cleaning of film processors, color scanners or plate processors, or film cleaning and plate cleaning.
4. Cleaning operations associated with the following activities:
 - a. Aerospace assembly and component coating operations.
 - b. Wood furniture and products coating, excluding laminated wood products.
 - c. Coating of marine vessels and components and other structures intended for exposure to a marine environment.
 - d. Flexible packaging printing materials.
 - e. Lithographic printing materials.
 - f. Flat wood paneling coating.
 - g. Large appliance coating.
 - h. Metal furniture coating.
 - i. Paper, film and foil coating.
 - j. Fabric coating.
 - k. Plastic parts and products coating.
 - L. Fiberglass boat manufacturing materials.
 - m. Miscellaneous metal parts and products coating.
 - n. Miscellaneous industrial adhesives, excluding application equipment.
 - o. Motor vehicle assembly and coating operations.
 - p. Locomotive and railcar assembly and coating operations.
 - q. Precision optics.
 - r. Numismatic dies.
 - s. Cleaning of resin, excluding polyester resin, application equipment.
 - t. Cleaning of resin, coating, ink and adhesive mixing and molding equipment.
 - u. Architectural coatings, excluding application equipment.

- v. Metal container, closure and coil coating.
- w. Magnet wire coating operations.
- x. Semiconductor wafer fabrication operations.
- y. Coating, ink and adhesive manufacturing.
- z. Flexible and rigid disc manufacturing.
- za. Polyester resin operations, excluding application equipment.

5. Cleaning operations associated with letterpress printing materials, except for press component cleaning subject to sub. (3)(d)4.

6. Cleaning operations associated with polyester resin operations, except for application equipment cleaning subject to sub. (3)(c)1. or (e).

(b) Subsection (3) does not apply to any of the following activities or facilities:

1. Cleaning conducted in conjunction with performance laboratory tests on coatings, adhesives or inks; research and development programs; and laboratory tests in quality assurance laboratories.
2. Cleaning of electrostatic printing and coating application equipment.
3. Medical device and pharmaceutical manufacturing facilities using less than a total of 1.5 gallons per day of VOC-containing solvents and solvent solutions for industrial cleaning operations.
4. Facilities whose aggregate use of solvent and solvent solutions which do not comply with the applicable VOC content limits in sub. (3) and of any coatings and inks exempt under s. NR 422.03(7) does not exceed 55 gallons during any 12 consecutive months at the facility.

(c) Subsections (3) and (7) do not apply to cleaning with aerosol product if 160 fluid ounces or less of VOC-containing aerosol product are used per day for industrial cleaning operations, per facility.

(d) Subsection (7) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in sub. (4)(b).

(e) Subsection (7) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

(f) Subsection (7) does not apply to automatically applied blanket or roller wash.

(g) Subsections (4) to (8) do not apply to cleaning which uses solvents or solvent solutions containing no more than 0.05 kilograms of VOC per liter.

(3) SOLVENT AND SOLVENT SOLUTION REQUIREMENTS. Except as provided under sub. (6), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations on and after May 1, 2010 unless the VOC content of the solvent or solvent solution is less than or equal to the applicable VOC content listed in Table 1 for the respective cleaning operation.

Table 1
VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity	VOC Content of Solvent or Solvent Solution in kilograms per liter (pounds per gallon)
(a) Product cleaning during manufacturing process or surface preparation for coating, adhesive or ink application	
1. General	0.05 (0.42)
2. Electrical apparatus components and electronic components	0.50 (4.2)
3. Laminated wood products – removal of contact adhesives	
a. General	0.46 (3.8)
b. Polyvinylchloride surfaces	0.70 (5.8)
4. Medical devices and pharmaceuticals	0.80 (6.7)
5. Screen printing – removal of adhesives from plastic substrates	0.77 (6.4)
(b) Repair and maintenance cleaning	
1. General	0.05 (0.42)
2. Electrical apparatus components and electronic components	0.90 (7.5)
3. Medical devices and pharmaceuticals	
a. Tools, equipment and machinery	0.80 (6.7)
b. General work surfaces	0.60 (5.0)
4. Screen printing – removal of oils and adhesives from cutting dies	0.55 (4.6)
(c) Cleaning of coatings application equipment or adhesives application equipment	
1. General	0.55 (4.6)
2. Architectural coatings	0.95 (7.9)
3. Ultraviolet coatings	0.80 (6.7)
(d) Cleaning of ink application equipment	
1. General	0.05 (0.42)
2. Flexographic printing – excluding packaging	
a. General	0.05 (0.42)
b. Plastics, coated papers and metal foils	0.89 (7.4)
3. Rotogravure printing - publication	0.75 (6.3)
4. Letterpress printing	
a. On-press components	*
b. Removable press components	0.05 (0.42)
5. Screen printing	0.77 (6.4)
6. Ultraviolet ink application equipment (except screen printing)	0.80 (6.7)
(e) Cleaning of polyester resin application equipment	0.05 (0.42)

* A maximum VOC content of 30% by weight.

(4) CLEANING DEVICES AND METHODS REQUIREMENTS. Except as provided under sub. (6),

by 3 months after the effective date of this section ... [LRB insert date], the owner or operator of a facility shall employ one or more of the following cleaning devices or methods when using solvents or solvent solutions:

(a) Physically rubbing a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

(b) Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

(c) Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

(d) A remote reservoir cleaner operated in compliance with all of the following requirements:

1. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

2. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

3. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

4. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

(e) A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

(f) A flushing method where the used solvents or solvent solutions are discharged into a container

which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(5) STORAGE AND DISPOSAL. The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers.

(6) CONTROL EQUIPMENT. In lieu of complying with the requirements in sub. (3) or (4), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

(a) The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions as determined in accordance with s. NR 439.06(3)(am).

(b) The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06(3)(a).

(c) The emission control system meets the requirements of the applicable source specific rule in chs. NR 420 to 422.

(7) GENERAL PROHIBITIONS. The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of sub. (6).

(8) ALTERNATIVE COMPLIANCE OPTION. In lieu of complying with the requirements in sub. (3), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

(9) RECORDKEEPING REQUIREMENTS. (a) To determine applicability under sub. (1), each owner or operator of an industrial cleaning operation at a facility located in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county shall maintain records of actual daily emissions of VOCs from industrial cleaning operations from the facility with all control equipment inoperative.

(b) Each owner or operator of a facility that is exempt under sub. (2) shall collect and record the

information specified in this paragraph as appropriate.

1. Any owner or operator claiming to be exempt under sub. (2)(b)3. shall maintain records of the daily quantity in gallons of VOC-containing solvents and solvent solutions used for industrial cleaning operations.

2. Any owner or operator claiming to be exempt under sub. (2)(b)4. shall maintain records of the amount used in gallons of non-compliant solvents and solvent solutions and the amount used in gallons of any coatings and inks exempt under s. NR 422.03(7) during any 12 consecutive months at a facility.

3. Any owner or operator claiming to be exempt under sub. (2)(c) shall maintain records of the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

4. Any owner or operator claiming to be exempt under sub. (2)(g) shall maintain a record of the VOC contents of the solvents or solvent solutions used in kilograms per liter or pounds per gallon.

(c) Each owner or operator of a facility that is subject to this section shall collect and record the information specified in this paragraph as appropriate:

1. Any owner or operator subject to sub. (3) shall maintain a record of the VOC contents of the solvents or solvent solutions used in industrial cleaning operations in kilograms per liter, pounds per gallon or weight percent.

2. Any owner or operator subject to sub. (6) shall keep a record of the results of any testing conducted as required under sub. (6).

3. Any owner or operator subject to sub. (8) shall keep a record of the VOC composite partial vapor pressures of solvents or solvent solutions used in industrial cleaning operations.

(d) Records required under this subsection shall be kept for 5 years unless another time period is approved by the department.

SECTION 17. NR 439.06(3)(j) is amended to read:

NR 439.06(3)(j) Notwithstanding par. (b), Method 24 of 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), shall be used to determine the VOC content of lithographic inks, fountain solutions and blanket or roller wash in complying with ~~s.~~ ss. NR 422.142 and 422.143.

SECTION 18. NR 484.04(16), (19) and (20) are amended to read:

NR 484.04

CFR Appendix Referenced	Title	Incorporated by Reference For
(16) 40 CFR part 60 Appendix A, Method 18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography	NR 400.02(77) NR 422.142(5)(a) <u>NR 422.143(7)(a)</u>
(19) 40 CFR part 60 Appendix A, Method 25	Determination of Total Gaseous Nonmethane Organic Emissions as Carbon	NR 422.142(5)(a) <u>NR 422.143(7)(a)</u>
(20) 40 CFR part 60 Appendix A, Method 25A	Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer	NR 422.142(5)(a) <u>NR 422.143(5)(a)</u>

SECTION 19. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 20. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)