



Connecticut **Business & Industry** Association

August, 29, 2008

Ms. Susan Amarello
Supervising Air Pollution Control Engineer
Bureau of Air Management
CT Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

Dear Ms. Amarello:

It has come to our attention that the August 14 SIPRAC meeting at DEP included a summarization of changes DEP is proposing to section 22a-174-20 of the Regulations of Connecticut State Agencies that include new restrictions applicable to a vast array of small and large businesses in Connecticut. Specifically, changes are being proposed that would affect any cleaning activity that is not classified as "janitorial cleaning" as defined in the regulations. This would include cleaning equipment, manufactured parts, analytical laboratories and hospitals, manufacturing processes -- even cleaning the windshield on vehicles in your parking lot because they are not a "building or facility component" - provided you emit (prior to control equipment) more than 15 lbs/day of volatile organic compounds from cleaning solutions. Also included are proposed changes to spray equipment cleaning requirements that will apply to every facility in Connecticut that uses a paint spray gun, regardless of their emissions.

We were surprised to hear that the DEP offered meeting attendees a total of 8 calendar days to review these already drafted regulations and submit comments to the department. We understand that when asked for an extension to the comment period, DEP explained that it is anxious to have a public hearing on the proposal by the end of this year leading to an effective date of January 1, 2010, but that an extra week would be provided for feedback.

CBIA and our member companies are disappointed that the DEP, in this instance, is severely undercutting the traditional SIPRAC process of thoroughly vetting early DEP regulatory initiatives with stakeholders prior to developing a formal draft regulation. We are currently checking with other states but have yet to hear from them the extreme "urgency" DEP appears to feel with respect to getting something adopted as soon as possible.

Like other RACT rules, this proposed regulation is set up as a "once in, always in" standard, so it will forever be applicable to any facility that uses more than about 2-1/3 gallons of cleaning solvents on any one day in the facility's life. This provision alone emphasizes the need for these regulations to be carefully reviewed and discussed during their development with stakeholders who will be affected during the entire life of their

facility, regardless of whether they are able to reduce their VOC emissions below threshold levels at some point in the future.

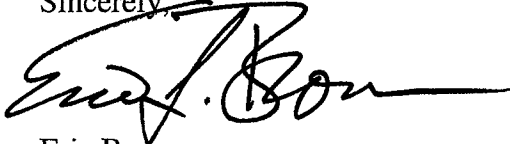
Based on our brief opportunity to review DEP's proposal, we can confidently state that CBIA has several serious concerns with the proposal. CBIA urges DEP to reconsider its self-imposed and overly aggressive timeline for finalizing these regulations and engage stakeholders through the SIPRAC in order to maximize the opportunity for a well-constructed, sensible and achievable public hearing proposal.

With the above serving as context, we offer the following initial observations regarding the current draft proposal:

1. The EPA's CTG for Industrial Cleaning Solvents was based on EPA's Alternative Control Techniques (ACT) Document, which was published in February 1994 following a survey of only 34 companies in only six industries. That limited sampling of activities did not address the wide variety of uses for cleaning solvents used at Connecticut facilities, some of which cannot be changed without extensive research and development activities or, in some cases, government approval.
2. EPA's CTG for Industrial Cleaning Solvents, EPA makes it clear that their CTG is just a guidance document for the states to use. Specifically, the document states, "interested parties can raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation during the development of the State rules and EPA's SIP approval process." It seems clear that EPA expected the states to work with "interested parties" to determine whether the guidance was appropriate.
3. EPA's CTG states that, "States can adopt these recommendations and include them in their SIP revisions or adopt RACT rules that provide for different approaches. For example, for a given industrial sector or cleaning operation, where appropriate, a State may offer the flexibility of requiring only work practices." DEP's self-imposed timeframe is not allowing the DEP to make any effort to solicit input on potentially different approaches for any industrial sector.
4. EPA lists 40 categories that they recommended be excluded from applicability to the solvent cleaning regulations. Of these recommended categories, the CTDEP chose to only list "aerospace manufacturing and rework operation" and "wood furniture coating operation" for exclusion. We do not understand why DEP finds it necessary to ignore EPA's suggested categories for exclusion from this regulation. When California issued their solvent cleaning regulations, they exempted certain industries and operations that were appropriate for their state, such as the surface preparation of electrical and electronic components, precision optics, and numismatic dies, the cleaning of solar cells, laser hardware, scientific instruments, and several other specific exemptions that reflect a good understanding of the needs of stakeholders in the state. Similarly, Connecticut has unique manufacturers and operations that need to be evaluated to ensure they can continue to operate in our state.

We strongly encourage the DEP to convene a SIPRAC stakeholder's group where these regulations can be discussed and evaluated so that CBIA, other stakeholders and the public can have some level of confidence that these measures will achieve real and necessary environmental benefits and that Connecticut businesses will have a reasonable opportunity to comply with these new restrictions without significant detrimental impacts on their businesses.

Sincerely,

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

Eric Brown
Associate Counsel