

## **Report From Agency**

### **REPORT TO LEGISLATURE**

NR 400, 419, 421, 422, 423, 439, and 484, Wis. Adm. Code,  
Corrections of deficiencies identified by the U.S. Environmental Protection Agency with a portion of the  
state's current volatile organic compound reasonably available control technology rules.

Board Order Number: AM-44-10  
Clearinghouse Rule Number: 11-005

This rule is not subject s. 227.185, Wis. Stats. The statement of scope for this rule, published in Register 657 on September 14, 2010, was sent to the Legislative Reference Bureau prior to the effective date of 2011 Wisconsin Act 21.

Under s. 285.14 (2), Stats., rules that affect the state implementation plan must be submitted to standing committees of the legislature with jurisdiction over environmental matters at least 60 days before the rule may be submitted to the U.S. Environmental Protection Agency. It is the Department's intent to submit these proposed rules to the U.S. Environmental Protection Agency as a revision to the state implementation plan.

#### **BASIS AND PURPOSE OF THE PROPOSED RULE**

Section 182 (b) (2) of the federal Clean Air Act [42 USC 7511a (b) (2)] requires implementation of reasonably available control technology (RACT) for volatile organic compound (VOC) emission source categories in moderate or worse ozone nonattainment areas and for which the U.S. EPA has published control techniques guidelines (CTGs).

Federally approved VOC RACT rules are required for Wisconsin's ozone state implementation plan (SIP) and are a prerequisite for redesignation of the state's remaining nonattainment areas for the 1997 8-hour ozone national ambient air quality standards (NAAQS). The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha constitute the current ozone nonattainment areas. In addition to a delay in the redesignation of these counties, an incomplete SIP could result in federal sanctions, including withholding of federal highway funds and the potential implementation of a federal air management plan.

In March 17, 2008 the Department received notification from the U.S. EPA that the Department's VOC RACT rules were not consistent with certain CTGs and therefore were deficient. The Department therefore proposed, and the Natural Resources Board adopted rules on March 25, 2009 with the intent of correcting the deficiencies. These rules were contained in Clearinghouse Rules 08-102, 08-104, and 08-114, all of which became effective on August 1, 2009, and were submitted to the U.S. EPA as a revision to the SIP. On April 22, 2010, the U.S. EPA notified the Department that the submittal did not adequately address all deficiencies, and additional corrections were necessary to make the state's VOC RACT rules approvable.

In order to avoid the potential for federal sanctions and ensure timely redesignation of the state's remaining ozone nonattainment areas for the 1997 8-hour NAAQS, the Department is proposing rule revisions to address these remaining deficiencies.

## **SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSE**

The Department held one hearing on the proposed rules on March 14, 2011 in Madison. Five people attended the hearing. Four people registered as interest may appear, and one person did not indicate a position. No oral comments were presented at the hearing.

The Department received written comments from the following: American Coating Association, the Can Manufacturers Institute, Specialty Graphic Imaging Association, Bemis Company, Inc., Printing Industries of Wisconsin, and the U.S. Environmental Protection Agency.

The comments, and the Department's responses, are included in Appendix A.

## **MODIFICATIONS MADE TO THE PROPOSED RULE AS A RESULT OF PUBLIC COMMENT OR TESTIMONY RECEIVED**

Modifications made to the proposed rules resulting from public comments are provided in Appendix A.

## **PERSONS APPEARING OR REGISTERING AT PUBLIC HEARING**

In support:	None
In opposition:	None
As interest may appear:	Troy Stucke, 444 Highland Drive, Kohler, WI 53044 Mike Cassidy, 444 Highland Drive, Kohler, WI 53044, representing Kohler Company Rob Harman, 109 Cumings Lane, Neenah, WI 54956, representing Bemis Company Howard Hofmeister, 929 Wylde Oak Drive, Oshkosh, WI 54904, representing Bemis Company
No position indicated:	Jeffrey Bence, 10800 S 13th Street, Oak Creek, WI 53154, representing PPG Industries

None of the above indicated they were representing the interests of a small business, as defined in s. 227.114, Wis. Stats.

## **CHANGES TO RULE ANALYSIS AND FISCAL ESTIMATE**

No substantive changes were made to the rule analysis and no changes were made to the fiscal estimate.

## **RESPONSE TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

The Legislative Council Rules Clearinghouse report contained 35 comments concerning Form, Style and Placement in Administrative Code; Adequacy of References to Related Statutes, Rules and Forms; and Clarity, Grammar, Punctuation, and Use of Plain Language. The Department accepted and addressed all but eight comments which are identified in the Clearinghouse Report as comments 2.h., 2.i., 2.j., 5.b., 5.f., 5.g., 5.j., and 5.k. These eight comments and the Department's reason for not making a change follow:

Comment 2.h. The rule makes extensive use of the passive voice, many instances of which are easily avoided. For example, in s. NR 419.045 (4) (d) (intro.), "The following records shall be retained..."

should be written as “The owner or operator of a waste management unit shall maintain the following records...”. Section NR 419.045 (9) provides a good model for the use of active voice. [Note that s. NR 419.045 (4) (intro.) correctly uses the active voice, but makes it more cumbersome than necessary; the phrase “that is subject to requirements under sub. (2) or (3)” is duplicative of the applicability statement in s. NR 419.045 (1). By the same reasoning, in s. NR 419.045 (7) (intro.), it appears that “a facility subject to this section” could be replaced with “a waste management unit”.]. The entire rule should be reviewed for the use of active versus passive voice.

Response. In many instances the Department used language recommended by the U.S. EPA to ensure rule SIP approvability; therefore, changes were not be made in response to this comment.

Comment 2.i. The effective dates in s. NR 421.05 (1) (a) and (b) (intro.) are long past. Are they of any continuing pertinence? If not, this rule is an opportunity to repeal them. The same applies to subsequent, parallel provisions.

Response. The Department believes it is appropriate to retain the dates mentioned for historical reference related to rule implementation issues such as compliance and enforcement.

Comment 2.j. It appears that the facilities identified in s. NR 421.05 (1) (c) are a subset of the facilities identified in s. NR 421.05 (1) (a). If this is correct, are the requirements imposed under par. (c) in addition to the requirements imposed under par. (a), or in place of them? If it is the former, this could be clarified by inserting at the beginning of par. (c): “In addition to the requirements under par. (a),”; if it is the latter, this could be clarified by inserting at the beginning of par. (a): “Except as provided in par. (c),”. The same applies to subsequent parallel provisions.

Response. The phrase in s. NR 421.05 (1) (c), “as described in par. (a)”, and in subsequent parallel provisions, is only intended to refer to the operations described in par. (a). Note that the affected counties are different, as is the emission threshold and the emissions to be considered. The Department believes that this intent will be understood and that a change is not necessary.

Comment 5.b. The definition of “wipe cleaning” in s. NR 421.02 (23), does not seem necessary. In addition to its meaning being quite obvious, the term is used only twice in the rule, apart from the definition. Is there any possibility of the term being misconstrued?

Response: The term “wipe cleaning” is defined in s. NR 423.02(12) to be specific to cleaning of metal products or product components. While that definition does not apply in ch. NR 421, the Department believes the definition here will reinforce the broader meaning intended here.

Comment 5.f. In s. NR 422.05 (1m) (a) to (h), it might be helpful to group together the exemptions that pertain to all of sub. (3) [currently in par. (a), (b), and (h)], followed by those applicable just to certain paragraphs of sub. (3). Note that this suggested grouping is done in s. NR 422.145 (1m).

Response: Changes made in response to EPA comments left only one reference to all of sub. (3), rendering this comment moot.

Comment 5.g. In s. NR 422.05 (1m) (c), should “performance laboratory tests” be “performing laboratory tests”? The same applies to subsequent parallel provisions.

Response: This comment now relates to s. NR 422.05 (1m) (d) due to the response to Clearinghouse comment 5.f. No change was made because “performance” refers to a type of testing, i.e., the ability of the ink or coating to meet established performance standards.

Comment 5.j. Should s. NR 422.144 (2) (intro.) state that the specified retention factors and capture efficiencies shall be used? If a person chooses not to use them, what is the alternative?

Response: The Department does not believe the suggested change is necessary. Use of the word “may” is consistent with the fact that the values provided are accepted by the U.S. EPA and the Department without supporting testing or other demonstrations. Another option would be for a person to propose an alternative, in which case the Department could require testing, etc., to serve as a basis for a decision on whether to approve the request for the alternative.

In addition, the Department uses “may” in parallel language in ss. NR 422.142 (1m) and 422.143 (1m).

Comment 5.k. The wording of s. NR 423.037 (2) (a) 4. k. and subsequent, parallel provisions is awkward. Would it be correct to revise the inserted language to say “excluding use of industrial adhesives and adhesive primers”?

Response: The language that is the subject of this comment was removed in response to comments from the U.S. EPA, rendering this comment moot.

#### **FINAL REGULATORY FLEXIBILITY ANALYSIS**

The Department does not believe that the proposed rule revisions will have a significant economic impact for individual small businesses.

For industrial solvent cleaning operations, the applicability threshold for the proposed rules is 3 tons actual emission from a facility, on a 12 consecutive month rolling basis, with any control equipment inoperative. The Department believes that this threshold will not affect the majority of small businesses.

Due to the nature and complexity of the industrial wastewater operations, and synthetic organic chemical manufacturing industry categories, it is highly unlikely that a small business, as defined in s. 227.114(1), Wis. Stats., would have an operation that triggers the emission reduction requirements for these source categories in the proposed rules.

## APPENDIX A

### Board Order AM-44-10 Public Comments and Department's Response

**Commenters:**

American Coatings Association	ACA
Can Manufacturers Institute	CMI
Specialty Graphic Imaging Association	SGIA
Bemis Company, Inc.	Bemis Co.
Printing Industries of Wisconsin	PIW
U.S. Environmental Protection Agency	EPA

#	Commenter	Public Comment
	Change Made?	Department Response
1	ACA	We support the proposed changes to NR 421, specifically NR 421.05(1)(c)(2m) and NR 421.06(1)(c)(2m).
	NO	None
2	CMI	We support the proposed changes to NR 422.05(3)(a) Table 1 – Items 3b and 4b, NR 422.05(3)(f) Table 2 – Item 3b, and NR 422.05(1m)(h).
	NO	None
3	CMI	Clarification is needed for NR 422.05(3)(b) if the WDNR intends for all of the cleaning devices and methods to be employed, as currently worded, or if a facility should only employ one or more, consistent with other rule sections (e.g., NR 423.3037).
	YES	The rule language will be changed to provide additional clarity in all of the impacted sections in NR 422 and NR 423 to the following: "... the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions."
4	CMI	The research and development exemption, NR 422.05(1m)(d), does not appear to be drafted in a way that includes cleaning associated with performance testing done on production lines. We request the word "laboratory" be deleted, consistent with California's Bay Area Air Quality Management District Regulation 8, Rule 16.
	YES	The WDNR will remove the term, "laboratory", from in s. NR 422.05(1m)(d) and add a 110 gallon limit per 12 consecutive month period for noncompliant solvents or solvent solutions used for these purposes.
5	CMI	We request that an exemption be added to NR 422.05(1m) for new generation coatings for metal cans because appropriate VOC RACT limits are not yet known before these coatings become commercially available. Specifically, we request the following language be added: "cleaning of application equipment used for metal can coatings, adhesives or inks that come into commercial use after January 1, 2011."
	NO	Without specific and defined needs, technological developments such as these must be accommodated through future rule revisions or a variance process. A VOC RACT rule that doesn't regulate new technological developments with vaguely defined needs would be deemed incomplete. However, special provisions for research and development do exclude "...cleaning conducted in conjunction with performance laboratory tests on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories." from the proposed VOC solvent and solvent solution limits.

#	Commenter	Public Comment
	Change Made?	Department Response
6	SGIA	It appears that screen printing sources whose emissions from cleaning operations exceed 25 tons per year or more are still regulated in NR 423.035 – Part 1. It was our understanding that all sources with emissions from cleaning solvent operations, with the exception of digital printing applications, would be covered by NR 422.145 thus eliminating duplicative and conflicting regulatory requirements, including recordkeeping. As proposed, screen printing operations will still need to determine applicability under two separate industrial cleaning solvent regulations, thus eliminating benefits from streamlined regulations.
	YES	Language will be added to s. NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.
7	SGIA	If the WDNR plans to continue to maintain NR 423.035 – Part 1 as is, then digital printing needs to be added as an exempted category to maintain consistency in NR 423.035(2).
	YES	Given that the intention of this rule revision effort was to address deficiencies identified by the EPA, the WDNR will continue to maintain NR 423.035 – Part 1. Removing NR 423.035 – Part 1 would necessitate that the WDNR develop a backsliding analysis that could potentially significantly delay approval of the entire rule package. That said, the WDNR plans to add digital printing as an exempted category in NR 423.035 – Part 1.
8	SGIA	We agree with the proposed changes to the definition for “screen printing units” in NR 422.02(83).
	NO	None
9	SGIA	A definition of “industrial cleaning operations” is needed in NR 422.02. We offer the following definition, consistent with NR 423.02, “industrial cleaning operations means the process of cleaning products, product components, tools, equipment or general work areas during production, repair, maintenance or servicing with solvents or solvent solutions.”
	NO	The definition for “industrial cleaning operations” originally in NR 423.02 has been relocated to NR 400.02(86m) [see Section 78 of the Board Order]. Since the definitions provided in NR 400 are applicable throughout the entire 400 series, no changes are necessary in response to this comment.
10	SGIA	We concur with the recommendation to exempt digital printing operations (NR 422.05(1m)).
	NO	None
11	SGIA	We recommend that the proposed definition for digital printing proposed in NR 423.02(2m) also be included in NR 422.02.
	YES	The current definition for digital printing located in NR 423.02(2m) will be relocated to NR 400.02, thus eliminating the need for inclusion in NR 422.02.
12	SGIA	We agree with the decision to remove the current limits for screen reclamation activities included in NR 422.145(2)(d) and replace with limits for all industrial solvent cleaning operations.
	NO	None
13	SGIA	We still have concerns with the VOC content limits as proposed since not all references to industrial solvent cleaning and screen printing have been removed from NR 423.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under s. NR 423.035. The exemptions in NR 423.037 will be revised to clarify the applicability.
14	SGIA	The current requirements, as proposed in NR 422.145(2m), are not technically feasible for all cleaning operations associated with the screen printing process.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions for on-press cleaning haven’t been adequately justified and documented.

#	Commenter	Public Comment
	Change Made?	Department Response
15	SGIA	To ensure the screen printing industry is regulated in a consistent manner, all VOC content limits for screen printing found in NR 423.035(3) Table 1 should be included in NR 422.145(2)(m). Specifically, the limits for Screen Printing, removal of adhesives from plastic substrates; and Screen Printing, removal of oils and adhesives from cutting dies needs to be included in NR 422.145(2)(m) Table 1.
	YES	Language will be added to NR423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions for “removal of adhesives from plastic substrates” and “removal of oils and adhesives from cutting dies” haven’t been adequately justified and documented.
16	SGIA	The limit for Cleaning of Ink Application Equipment needs to be increased from 4.2 pounds of VOC per gallon to 6.4 pounds of VOC per gallon to maintain consistency between NR 422.145 and NR 423.035 – Part 1. We concur that the 4.2 pounds of VOC per gallon is achievable, but the difference in limits does not provide a level regulatory playing field.
	YES	Language will be added to NR423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions haven’t been adequately justified and documented.
17	SGIA	We respectfully propose that an additional cleaning activity of on press cleaning be included in NR 422.145(2m) with a VOC content of 6.4 pounds of VOC per gallon. The addition of this solvent activity, at this VOC content limit, represents RACT for the screen print industry sector.
	NO	Higher VOC limits for solvent and solvent solutions for on-press cleaning haven’t been adequately justified and documented.
18	Bemis	We believe that a provision was inadvertently left out of the proposed changes to NR 422.14. Specifically, we believe there should also be a NR 422.14(1)(b) that is based on the same premise as the proposed provision in NR 422.05(1)(b). We request that the following provision be added: “(b) Except as provided in sub. (1m), subs. (4) and (5) apply to a facility with printing operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.”
	YES	The provision referenced was inadvertently left out and will be added to NR 422.14.
19	PIW	Overall, we support the DNR in its use of the EPA’s CTG as the basis for developing the proposed rule revisions for industrial solvent cleaning and the commercial offset lithographic printing industry. While the proposed revisions bring some clarity to the requirements, we are concerned with several of the proposed revisions.
	NO	None
20	PIW	The existence of two separate sections to address industrial solvent cleaning with overlapping and conflicting requirements is prohibitively confusion (i.e., NR 423.035 and NR 423.037). For facilities in Kenosha, Milwaukee, Ozaukee, Racine and Washington counties, both regulations apply, and there is no clear guidance as to which regulation takes precedence, especially since the proposed changes to NR 423.037 defer to NR 422.14, 422.141, 422.142, and 422.143 for each printing process and NR 423.035 still applies. To alleviate this situation, it would be best if NR 423.037 and NR 423.035 were combined into one rule that includes the proposed changes to NR 423.037.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.  The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted.  WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren’t impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.

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	Change Made?	Department Response
21	PIW	While many of the proposed changes to NR 423.037 help clarify the current set of requirements, if changes are only made to NR 423.037, permit engineers and other DNR staff and the regulated community will be forced to try and determine which regulation would apply to a cleaning solvent, choosing among NR 423.037, NR 423.035, and the respective RACT rule for each printing process. If it is decided to not combine NR 423.035 and NR 423.037, then the same exact changes being proposed in NR 423.037 should also be made in NR 423.035 or the confusion will be compounded.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.  The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted.  WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren't impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.
22	PIW	The proposed changes in NR 423.037(2)(a) indicates that in facilities that are otherwise exempt from this rule, the cleaning of adhesives and adhesive primers in subject to this rule. However, EPA's 2008 Miscellaneous Industrial Adhesive CTG was not intended to cover adhesives used in graphic arts operations, and as such, their use should not be subject to the industrial cleaning solvent rule. This CTG does not address adhesives used in lithographic, letterpress, flexible packaging, screen printing, digital imaging facilities or other graphic arts operations that fall under the 323 NAICS code. The EPA did not study the adhesives used in graphic arts operations as the intent of the CTG was to specifically exclude them. As adhesive and adhesive primer use in printing operations is not subject to the requirements for miscellaneous industrial adhesive use, including cleaning solvent VOC limits, the cleaning of adhesives in printing operations should not be subject to the cleaning solvent rule. The following changes should be made to NR 423.037(2)(a):  d. <del>Flexible package Non-packaging flexographic printing, excluding industrial adhesives and adhesive primers use.</del> e. <del>Lithographic printing, excluding industrial adhesives and adhesive primers use.</del> ze. <del>Screen printing, excluding industrial adhesives and adhesive primers use.</del> zf. <del>Letterpress printing, excluding industrial adhesives and adhesive primers use.</del> zg. <del>Non-packaging rotogravure printing, excluding industrial adhesives and adhesive primers use.</del>
	YES	Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers' problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in NR 423.037(2)(a)4. can and will be consolidated.
23	PIW	NR 423.037(2)(a) 4.e exempts all lithographic printing from Part 2 of the industrial solvent cleaning rule, however there is no similar exemption from Part 1 of the industrial solvent cleaning rule (NR 423.035). Part 1 of the cleaning rule, NR 423.035(2)(a) 1., exempts only Part 1 (NR 422.142) of the lithographic printing rule. This is incredibly confusing, and makes compliance difficult, as lithographic facilities in the five counties that are subject to both Part 1 and Part 2 of the lithographic rule cannot be certain if they are exempt from the cleaning rule or not. As stated previously, NR 423.037 and NR 423.035 should be combined or the same exemption should be inserted in NR 423.035 in order to fully exempt lithographic facilities, as is the intent of the industrial solvent cleaning CTG (See Page 8 of the CTG).



#	Commenter	Public Comment
	Change Made?	Department Response
	YES	<p>Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.</p> <p>The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted.</p> <p>WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren't impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.</p>
24	PIW	Digital printing is excluded from Part 2 of the solvent cleaning rule in NR 423.037(2)(cg) and (cr), but is not listed as exempt from Part 1 of the solvent cleaning rule. This is confusing and makes permitting difficult, especially for facilities in the five counties that are subject to both Part 1 and Part 2 of the solvent cleaning rule. As stated previously, NR 423.037 and NR 423.035 should be combined or the same exemption should be inserted in NR 423.035 in order to fully exempt digital printing facilities.
	YES	Given that the intention of this rule revision effort was to address deficiencies identified by the EPA, the WDNR will continue to maintain NR 423.035 – Part 1. Removing NR 423.035 – Part 1 would necessitate that the WDNR develop a backsliding analysis that could potentially significantly delay approval of the entire rule package. That said, the WDNR plans to add digital printing as an exempted category in NR 423.035 – Part 1.
25	PIW	The category “Ultraviolet ink application equipment” in NR 423.037(3) Table 1 (d) should be moved to the appropriate print process sections, as was done for the other requirements for specific print processes. UV technologies are used in rotogravure, flexographic and lithographic printing operations. Therefore, the “Ultraviolet ink application equipment” limits should be moved to NR 422.14, NR 422.141, NR 422.142 and NR 422.143. Additionally, as all the print processes have been removed from this chart, there are no ink application operations that would be subject to the “general” limits, as the limits for each type of process are specified in the applicable sections. This limit should be removed from the chart in order to prevent additional confusion.
	YES	The solvents and solvent solutions’ VOC content limits for cleaning of ultraviolet ink application equipment in s. NR 423.037(3) Table 1 (d) will be moved to NR422.14, NR422.141, NR422.143 and NR422.144. Further, the VOC content limits for the cleaning of ink application equipment will be removed from NR423.037.
26	EPA	NR 419.045 (1)(a)(2)(a) – The applicability in this section must include MTE from “all non-CTG sources.”
	YES	NR 419.045 (1) (a) 2. b., states that maximum theoretical emissions (MTE) of VOC from “Any emissions unit that is not subject to an emission limitation under NR 419.05, 419.06, or 419.08; NR 421, 422, or 423; or NR 424.04, or 424.05, except if the emissions unit is regulated under 40 CFR part 60, subpart BBB, III, NNN, or RRR, or 40 CFR part 63, subpart T.” must be included in determining if the facility’s MTE of VOC is greater than 100 tons. The WDNR intended to only cite VOC RACT rules in this statement and thereby satisfy EPA’s requirement that applicability of the section include MTE from “all non-CTG sources”. In follow-up correspondence, EPA indicated their comment was based the identification of NR 429.05 as a non-CTG category. The citation to NR 419.05 will be removed.
27	EPA	NR 419.045 (1)(a)(3) should be clarified as follows: 3. Has facility operations specifically listed under any of the following industrial categories:
		<p>(a) The organic chemicals, plastics, and synthetic fibers manufacturing industry as described by the four-digit industry codes 2821, 2823, 2824, 2865, or 2869 listed in the Standard Industrial Classification (SIC) Manual ....</p> <p>(b) The pharmaceuticals manufacturing industry as described by the four-digit industry codes 2833, 2834, or 2836 listed in the SIC Manual ...</p>

#	Commenter	Public Comment
	Change Made?	Department Response
	NO	NR 419.045 (1) (a) 3. a. cites the “Standard Industrial Classification (SIC) Manual, 1987 incorporated by reference in NR 484.05 (1) for the organic chemicals, plastics, and synthetic fibers manufacturing industries”... “...for SIC codes 2821, 2823, 2824, 2865, or 2869.” Similarly, NR 419.045 (1) (a) 3. b. cites the SIC manual “...for the pharmaceuticals manufacturing industry”... “...for SIC codes 2833, 2834, or 2834”. Consequently, the WDNR believes that the current language adequately describes the SIC codes for which sources would be subject to NR 419.045.
28	EPA	NR 419.045 (1)(b)(2) – (8)(e) should be (8)(d).
	NO	The cited provision, NR 419.045(1)(b)2., provides an exemption for “Any facility with an annual affected VOC loading in wastewater, as determined in accordance with sub. (8)(e), ...”. the comment that the reference to sub. (8)(e) should be sub. (8)(d) is not appropriate. The exemption provided is based on annual affected VOC loading in wastewater for the entire facility. Subsection (8)(d) establishes how to determine the annual VOC loading in wastewater for an individual wastewater stream, while sub. (8)(e) addresses annual VOC loading for the facility.
29	EPA	NR 419.045 (2)(intro) – “par.(g)” should be “par.(f)”
	YES	There is no paragraph (g) in NR 419.045 (2). Consequently, EPA is correct in noting that “(f)” should be listed in NR 419.045 (2) (intro).
30	EPA	NR 419.045 (2)(e)(3)(d) – “gasket and which” should probably just be “gasket which”
	YES	<p>Removing the word “and” as suggested would result in the sentence that implied the gasket shall be maintained in a closed position, when it is the cover, seal or lid that shall be closed. To make this requirement clear, the proposed sentence will be broken into 2 as follows:</p> <p>Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a cover, seal or lid fitted with a gasket. The cover, seal or lid shall be maintained in a closed position so there are no visible gaps at all times, except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened to be air-tight when they are closed.</p>
31	EPA	NR 419.045 (2)(f)(7) – should be revised to “...by complying with subd. (2)(a) to (2)(e) and by complying with one of the following requirements.”
	YES	EPA states that the additional language “with subd. (2) (a) to (2) (e) and” should be included in NR 419.045 (2) (f) 7. Evaluating this comment required revisiting Ohio’s industrial wastewater VOC RACT rule, which the WDNR used as a basis for s. NR 419.045, as recommended by EPA. The comparable section in the Ohio rule [3745-21-16(D)(8)(g)] contains the language “...complying with paragraphs (D)(3) to (D)(7).”, which pertains to controls for drain systems surface impoundments, oil-water separators, portable containers and wastewater tanks. These Ohio rule paragraphs (D)(3) to (D)(7) cite the same control requirements as those contained in subd. (2) (a) to (2) (e) of WDNR’s proposed rule. Consequently, EPA is correct in noting that the additional language “with subd. (2) (a) to (2) (e) and” should be included in s. NR 419.045 (2) (f) 7.
32	EPA	NR 419.045 (4)(a) – visual inspections for leaks and improper conditions should be “initially, semiannually and upon repair”
	NO	Ohio’s industrial wastewater VOC RACT rule, which the WDNR used as a basis for NR 429.045, as recommended by EPA, does require an initial inspection. However, it does not establish what is meant by “initial”, i.e., when the initial inspection should be made. If the WDNR were to require an initial inspection, supporting language would also be necessary to establish exactly when. Since it would be appropriate to provide a reasonable time after the rule becomes effective in which to conduct an initial inspection, and noting that the rule already requires semiannual inspections, an initial inspection would not seem to add significant value. Therefore no change has been made.
33	EPA	NR 419.045 (4)(b) – There is no (4)(b).
	YES	EPA is correct in noting that there is no par. (b) in NR 419.045 (4). Consequently, the numbering of pars. (c) to (f) in sub. (4) will be adjusted accordingly.

#	Commenter	Public Comment
	Change Made?	Department Response
34	EPA	NR 419.045 (4)(c)(1) – should be revised to “The secondary seal shall be measured for seal gaps initially, annually, and after repair...”
	NO	See WDNR’s response to comment #32.
35	EPA	NR 419.045 (4)(e)(1) – “Except as provided in subd.2.,” should be revised to “Except as provided in (4)(intro) and (3)(b).”
	NO	<p>It is correct that the Ohio rule language on which NR 419.045 (4) (e) 1. is based is 3745-21-16(F)(5). However, the citations to (F)(3)(a) to (F)(3)(g) and to (F)(3)(a) in the Ohio rule are internally incorrect (some of which do not exist). It is therefore not appropriate to establish the WDNR equivalent to these incorrect Ohio citations.</p> <p>The WDNR clearly establishes requirements to install and maintain monitors to measure operational parameters for equipment installed to comply with emission control requirements. Furthermore, the WDNR specifies monitoring and data recording requirements consistent with the Ohio rule. The exception the WDNR provides through the language cited by EPA, “Except as provided in subd. 2.,” is substantially equivalent to language in Ohio rule 3745-21-16(f)(5)(h).</p> <p>The WDNR believes the suggestion that the WDNR replace the reference to subd. 2. with a reference to (4)(intro.) and (3)(b) is not appropriate and is not consistent with the Ohio rule. Therefore no change has been made.</p>
36	EPA	NR 419.045 (5)(e) - should be revised to “... for determining VOC leaks and for monitoring a carbon canister in accordance with subd. (4)(e)(1)(d).
	NO	<p>The WDNR believes the Ohio rule on which NR 419.045 is based inappropriately established Method 21 in 40 CFR part 60, Appendix A, for determining VOC leaks since all VOC leak inspection requirements in the rule require a visual inspection only. A summary included in Method 21 reads as follows:</p> <p style="padding-left: 40px;">A <u>portable instrument</u> is used to detect VOC leaks from individual sources. The <u>instrument detector type</u> is not specified, but it must meet the specifications and performance criteria contained in Section 6.0. A leak definition concentration based on a reference compound is specified in each applicable regulation. This method is intended to locate and classify leaks only, and is not to be used as a direct measure of mass emission rate from individual sources.</p> <p>The use of instrumentation is not consistent with the requirement to only perform a visual inspection. Since only a visual inspection is required, the recommended change is not warranted.</p>
37	EPA	NR 419.045 (6)(b) – Final compliance must be achieved within 12 (not 18) months after the effective date of this section.
	YES	The Ohio industrial wastewater VOC RACT rule on which NR 419.045 is based, establishes a 12 month compliance schedule. The WDNR will amend the proposed final compliance schedule from 18 to 12 months after the effective date as required by EPA.
38	EPA	NR421.02 – Definitions – OK
	NO	None
39	EPA	NR421.05 Synthetic Resin Mfg - OK
	NO	None
40	EPA	NR421-06 Coatings Mfg – OK
	NO	None
41	EPA	NR 421.07 SOCM I – OK

#	Commenter	Public Comment
	Change Made?	Department Response
	NO	None
42	EPA	NR 422.03 (1) - This section would be clearer if “but” was inserted before “when actual emissions of VOCs”
	NO	The WDNR disagrees that this adds any additional clarity.
43	EPA	NR 422.05 (1)(b)(1m)(h) – This should state that “Subsection (3)(a) does not apply.” This operation should not be exempt from all of subsection (3).
	YES	NR 422.05 (1m)(h) will be rewritten as the following: “Subsection (3)(a)4. does not apply to cleaning of sterilization indicating ink application equipment where less than a total of 1.5 gallons per day of VOC-containing solvent and solvents are used”.
44	EPA	NR 422.05 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.05(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.05(1)(b), doesn’t constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.05(1)(b).
45	EPA	NR 422.05 (4)(c)(3) – For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
46	EPA	NR 422.06 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.06(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.06(1)(b), doesn’t constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in s. NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in s. NR 422.06(1)(b).
47	EPA	NR 422.06 (4)(b)(3) - For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
48	EPA	NR 422.075 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
49	EPA	NR 422.075 (3) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.

#	Commenter	Public Comment
	Change Made?	Department Response
50	EPA	NR 422.08 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.08(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.08(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.08(1)(b).
51	EPA	NR 422.08 (4)(b)(3) - For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
52	EPA	NR 422.083 (1)(bm) – There are no recordkeeping requirements to establish whether plastic parts coating lines are subject to the cleaning material work practices in (3m).
	YES	The comment refers to the lack of recordkeeping requirements to support an applicability determination for solvent cleaning operation limits in NR 422.083. The WDNR will propose appropriate recordkeeping requirements. This is the same issue EPA commented on in a more general sense in their comment #95. In its response to comment #95, the WDNR has also agreed to propose appropriate recordkeeping requirements.
53	EPA	NR 422.085 It is not clear whether industrial cleaning operations for leather coating are subject to a 0.42 lbs/gal limit and, if so, whether they are subject to the recordkeeping requirements in NR 423.037(9).
	NO	Industrial cleaning operations for leather coating are subject to the requirements of s. NR 423.037 including the 0.42 lbs/gal limit for solvents and solvent solutions.
54	EPA	NR 422.09 (6) - There are no recordkeeping requirements to establish whether automobile coating operations are subject to the cleaning material work practices in (6).
	YES	The work practice requirements in NR 422.09(6) only apply to automobile and light-duty truck manufacturing plants located in certain ozone non-attainment counties where the VOC emissions from the specified coating operations, <u>and related cleaning activities at the facility</u> , equal or exceed 3 tons per year on a 12 consecutive month rolling basis. The WDNR agrees with the commenter, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will address EPA comment 95, to ensure the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.08(1)(b).
55	EPA	NR 422.095 (8) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.095(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.095(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.095(1)(b).
56	EPA	NR 422.095 (8)(a) – This subsection should refer to (2)(f), and not (2)(h), because it deals with an exemption for aerosol containing products of 160 fluid ounces or less used per day and this exemption is contained in (2)(f).
	YES	The recommended revision will be made.

#	Commenter	Public Comment
	Change Made?	Department Response
57	EPA	NR 422.095 (4)(b)(3) - For sources complying by (7)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
58	EPA	NR 422.105 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
59	EPA	NR 422.105 (5) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.
60	EPA	NR 422.115 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
61	EPA	NR 422.115 (5) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.
62	EPA	NR 422.125 The recordkeeping requirements in NR 439.04(4), which apply to exempt wood furniture coating, do not include the use of cleaning solvent.
	YES	The WDNR agrees with the comment, and will propose changes to ensure that appropriate records are required to support a determination that a facility's VOC emissions are below specified applicability thresholds.
63	EPA	NR 422.127 The numbering isn't clear for NR 422.127(2). Is NR 422.127(2)(intro.) intended to refer to NR 422.127(2) Exemptions? If so, wouldn't the existing NR 422.127(2)(a) & (b) need to be renumbered to NR 422.127(2)(a)(1)&(2)?
	NO	The commenter assumes correctly that NR 422.127(2)(intro.) refers to the introduction for the subsection titled Exemptions. The commenter is also correct that the existing paragraphs (a) and (b) in NR 422.127(2) will need to be renumbered as subdivisions. This renumbering will be done as part of the publication process without any instruction required in the order.
64	EPA	NR 422.127 There does not appear to be recordkeeping requirements for sources that are exempt because of NR 422.127 (2)(b)(2).
	YES	The exemption the commenter refers to relates to VOC emissions that are less than 3 tons per year on a 12 consecutive month rolling basis from industrial cleaning operations associated with adhesives or adhesive primer use. The WDNR agrees with the commenter and will therefore propose appropriate recordkeeping requirements.
65	EPA	NR 422.131 Recordkeeping - Please see comment on NR 439.04(4)
	YES	See response to comment #95.
66	EPA	NR 422.132 Please confirm that industrial solvent cleaning operations at wood door coating facilities are covered by NR 423.137 Industrial Cleaning Operations –Part 2, if they are at a facility with industrial cleaning solvent emissions equal to or exceeding 3 tons on a 12 consecutive month rolling basis.
	YES	Industrial solvent cleaning operations at wood door coating facilities are covered by NR 423.037 Industrial Cleaning Operations –Part 2. NR 423.037(2)(a)4.b. will be shortened to "Wood Furniture coating" to clarify this point.
67	EPA	NR 422.135 Please confirm that industrial solvent cleaning operations at molded wood parts or products coating facilities are covered by NR 423.137 Industrial Cleaning Operations –Part 2, if they are at a facility with industrial cleaning solvent emissions equal to or exceeding 3 tons on a 12 consecutive month rolling basis.
	YES	Industrial solvent cleaning operations at molded wood parts or products coating facilities are covered by NR 423.037 Industrial Cleaning Operations –Part 2. NR 423.037(2)(a)4.b. will be shortened to "Wood Furniture coating" to clarify this point.

#	Commenter	Public Comment
	Change Made?	Department Response
68	EPA	NR 422.14 There should be a section 422.14(1)(b), which should state “Except as provided in sub.(1m), subs. (4) and (5) apply to a facility with printing operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.”
	YES	The provision referenced was inadvertently left out and will be added to NR 422.14.
69	EPA	NR 422.14 (1m) (b) exempts industrial adhesives or adhesive primers. As per your 11/22/2010 email, for industrial categories that aren’t excluded from the industrial adhesives CTG (such as packaging rotogravure, publication rotogravure, and flexographic printing), they are to be covered by the cleaning requirements for industrial adhesives specified in the miscellaneous industrial adhesives CTG (which it was stated would appear in NR 423.037). However, NR 423.037(2)(a)(4)(zh) exempts packaging rotogravure printing, and presumably adhesive operations associated with packaging rotogravure printing. It is also not clear how the cleaning requirements for industrial adhesives associated with publication rotogravure and flexographic printing are established.
	YES	Revisions are needed to address these concerns. The miscellaneous industrial adhesives CTG only applies when “Adhesives are used for joining surfaces in assembly and construction...”. Consequently, cleaning involving adhesives or adhesive primers at printing facilities will be regulated under the appropriate category specific printing RACT rule (e.g. s. NR422.14, 422.145 etc.) including any requirements from the appropriate category specific CTGs not the miscellaneous industrial adhesives CTG. Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers’ problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in s. NR 423.037(2)(a)4. can and will be consolidated.
70	EPA	NR 422.14 (4)(a) – There should be 0.42 lbs/gal limits in Table 1 for cleaning of ink application equipment for packaging rotogravure and flexographic printing. Table 1 currently has no limits for these categories.
	YES	NR 422.14 will be revised to include non-flexible packaging flexographic printing and non-flexible packaging rotogravure printing limits for ink application equipment. Further, the definitions of “flexible packaging press” and “flexible packaging printing” will be revised to be consistent with the flexible packaging CTG.
71	EPA	NR 422.14 (5) – There are no recordkeeping requirements for sources exempt because of the criteria that should be in NR 422.14(1)(b) – see above. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	The WDNR has agreed to make the change recommended by this same commenter in comment #68. The WDNR also therefore agrees that the change recommended here is appropriate and will propose recordkeeping requirements in NR 439.04(4) to address the comment.
72	EPA	NR 422.14 (5)(b)(3) – For sources complying by (4)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
73	EPA	NR 422.141 Recordkeeping - Please see comment on NR 439.04(4)
	YES	See response to comment #95.
74	EPA	NR 422.143 Recordkeeping - Please see comment on NR 439.04(4). Also, monthly records must be kept of the VOC content and pounds of each ink used on each press to establish whether the 25 TPY has been exceeded.
	YES	See response to comment #95. In addition, s. NR 439.04(4) will be revised to add monthly recordkeeping requirements for tons of each ink used on each press to establish whether the 25 TPY has been exceeded.
75	EPA	NR 422.144(1) Applicability – There is no apparent basis for not allowing the VOC emissions from the cleaning of electronic components of a letterpress printing press, as well the VOC emissions from pre-press and post-press cleaning operations to count towards the 3 tons/year applicability cutoff.

#	Commenter	Public Comment
	Change Made?	Department Response
	NO	See approved NR 422.143(1) Applicability section for lithographic printing. Also, the CTG reads as follows: “In addition, the recommendations for cleaning materials provided below do not apply to cleaners used on electronic components of a press, pre-press cleaning operations (e.g., platemaking), post-press cleaning operations (e.g., binding), cleaning supplies (e.g., detergents) used to clean the floor (other than dried ink) in the area around a press, or cleaning performed in parts washers or cold cleaners.”
76	EPA	NR 422.144 (2)(d) – An airflow direction indicator, such as a smoke stick or aluminum ribbons, shall be used to establish negative dryer pressure.
	NO	NR 422.144(2)(d) currently reads as follows: “Capture efficiency testing for heatset dryers is not required if it is demonstrated that pressure in the dryer is negative relative to the surrounding press room and the airflow is into the dryer.” The CTG does not proscribe how that negative pressure is determined, such as with a smoke stick or aluminum ribbons, as recommended by EPA.
77	EPA	NR 422.144 (4)(b) – There are other cleaning materials that should be subject to this limit besides just blanket or roller wash.
	YES	<p>The definition of blanket and roller wash that applies here is from s. NR 422.02(12) and reads as follows:</p> <p>“Blanket or roller wash” means any cleaning solvent or solution used to remove excess inks, oils and debris from lithographic printing press equipment, including rollers, 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.</p> <p>The WDNR proposes to amend this definition to include letterpress. The amended definition will then be adequately broad to cover those other cleaning materials the commenter is referring to.</p>
78	EPA	NR 422.144 (5) – Used shop towels should also be stored in closed containers.
	YES	The following sentence will be added to NR 422.144(5): “In addition, used shop towels should be stored in closed containers.”
79	EPA	NR 422.144 (6) – This section refers to the recordkeeping requirements in 439.04. However, the revised 439.04 (on page 86) should really be labeled as 439.04(4), based on the revisions to this section. This is significant because 439.04(4), recordkeeping for exempt sources, does not require records of any cleaning solvents that are used and would thus underestimate emissions. Also, 439.04 does not seem to have any specific recordkeeping requirements in 439.04(5) that apply to 422.144.
	YES	Correct, NR 439.04 (intro) should be labeled NR 439.04(4). This change will be made. In addition, consistent with the response to comment # 95, the recordkeeping requirements in 439.04 have been modified to include letterpress printing.
80	EPA	NR 422.144 (6)(a)(1) – The control device monitoring requirements in NR 439.055 are insufficient.
	NO	See approved NR 422.143(6)(a)(1). It is unclear why the control device monitoring requirements are insufficient given that lithographic printing and letterpress printing are both in the same CTG document. No deficiencies were raised by EPA regarding NR 422.143(6)(a)(1). The CTG does not provide any information on control device monitoring requirements. Without a more specific comment, the DNR is unable to make any changes to either NR 422.144(6)(a)(1) or NR 439.055. In addition, NR 439.055 includes monitoring and record keeping every 15 minutes. In addition, NR 422.144(6) requires that owners or operators “shall” follow the provisions in NR 439.055, which reduces the potential uncertainty with the “may” working in that section.



#	Commenter	Public Comment
	Change Made?	Department Response
81	EPA	NR 422.144 (6)(b) – Monthly records must be kept for each batch of cleaning materials prepared along with the VOC content or VOC composite partial vapor pressure and the date and time the batch was prepared.
	YES	The WDNR has made the recommended addition in NR 422.144 (6)(b).
82	EPA	NR 422.144 (7) Use of Method 25 vs. 25(a) should be established as per the Lithographic and Letterpress Printing CTG (e.g. in Ohio 3745-21-22(F)(1)(c)(v)).
	YES	The WDNR has made the recommended addition in NR 422.144 (7) to include language consistent with the referenced Ohio rule section.
83	EPA	NR 422.145 (1m) (b) exempts industrial adhesives or adhesive primers. As per your 11/22/2010 email, for industrial categories that aren't excluded from the industrial adhesives CTG (such as screen printing), they are to be covered by the cleaning requirements for industrial adhesives specified in the miscellaneous industrial adhesives CTG in NR423.037. However, although 423.037(2)(a)(4)(ze) does not exempt adhesive cleaning associated with screen printing, there is no repair and maintenance cleaning requirement for adhesives used in screen printing (the removal of adhesives from cutting dies used in screen printing was deleted).
	YES	Revisions are needed to address these concerns. The miscellaneous industrial adhesives CTG only applies when “Adhesives are used for joining surfaces in assembly and construction...”. Consequently, cleaning involving adhesives or adhesive primers at printing facilities will be regulated under the appropriate category specific printing RACT rule (e.g. s. NR422.14, 422.145 etc.) including any requirements from the appropriate category specific CTGs not the miscellaneous industrial adhesives CTG. Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers' problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in s. NR 423.037(2)(a)4. can and will be consolidated.
84	EPA	NR 422.145 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in 422.145(1)(b) because 439.04(4) only requires that records be kept for coatings and inks, but not for cleaning materials. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in s. NR 422.145(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in s. NR 439.04(4) to address the comment. The proposed requirements will also satisfy EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in s. NR 422.145(1)(b).
85	EPA	NR 422.145 (4)(b)(3) – For sources complying by (2m)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
86	EPA	NR 422.15(a) to (k) - Shouldn't (a) to (k) be renumbered as (cm) 1. to 9. (there is no (f)) ?
	YES	s. NR 422.15(c) (a) to (k) will be as (c) 1. to 8.
87	EPA	NR 422.155 Shouldn't the (a)s all be (am)s. The numbering of this rule appears incorrect.
	YES	An error was made in SECTION 77 of the order. The treatment statement of this section correctly states that NR 422.155(1)(a)1. to 3. are being created. However the reference on the first line of the created language incorrectly refers to NR 422.155(1)(am)1. This error will be corrected.
88	EPA	NR 423.037 (2)(a)(4)(zh) – There is no basis for exempting packaging rotogravure printing from the emission limits in Table 1.
	NO	Cleaning at packaging rotogravure printing facilities is regulated under s. NR 422.14 and s. NR 422.141.

#	Commenter	Public Comment
	Change Made?	Department Response
89	EPA	NR 423.037 (3) Table 1 – (a)(2)(a) & (b), (b)(2)(b) – There is no basis for these limits.
	NO	The limit in s. NR 423.037(3)(a)2. is from an approved Ohio VOC RACT rule (3745-21-23). The limits in s. NR 423.037(3)(a)2.a. and s. NR 423.037(3)(b)2.b. are from an approved South Coast Air Quality Management District VOC RACT rule (1171).
90	EPA	NR 423.037 (3) Table 1 – (d) – cleaning packaging rotogravure ink application equipment should have a limit of 0.42 lbs/gal.
	YES	Cleaning at flexible packaging rotogravure printing facilities is regulated under s. NR 422.141 that is based on the flexible packaging printing CTG. The flexible packaging printing CTG doesn't have solvent or solvent solutions VOC content limits. Cleaning at non-flexible packaging rotogravure printing facilities is regulating under s. NR 422.14. The 0.42 lbs/gal limit will be added to s. NR 422.14.
91	EPA	NR 423.037 (9)(a) – The type of monthly records must be specified. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	The comment refers to a provision requiring records of monthly VOC emissions to determine applicability of s. NR 423.037. The WDNR will propose appropriate recordkeeping requirements as required by EPA.
92	EPA	NR 423.037 (9)(c) – delete “as appropriate”
	YES	The language will be revised to limit the application of “as appropriate” to s. NR 423.037 (9)(c)2..
93	EPA	NR 423.037 (9)(c)(5) – add “...depending upon whether the cleaning material is subject to sub. (3) or sub. (8).”
	YES	The recommended revision will be made.
94	EPA	NR 439.04 Recordkeeping – Shouldn't this be NR 439.04(4)? Also, this section would be clearer if “any owner or operator” is added before “of a facility whose VOC emissions are below an applicability threshold of any section of NR 422”
	YES	The commenter is correct, the reference to NR 439.04(intro.) in SECTION 98 of the order should be NR 439.04(4)(intro.)
95	EPA	NR 439.04 (04)(4) – This section does not account for the use of cleaning solvent or fountain solution in establishing whether the applicability cutoff has been exceeded. In addition it does not require a determination of monthly emissions and a 12 consecutive month total.
	YES	The WDNR agrees with the comment, and will propose changes to ensure that appropriate records are required to support a determination that a facility's VOC emissions are below specified applicability thresholds.
96	EPA	NR 439.06 (3)(b) – Test methods should also be specified for fountain solutions.
	NO	The WDNR establishes the test method for determining the VOC content of fountain solutions in s NR 439.06(3)(j).