



August 23, 2011

Alex Ryan-Bond
Ozone Transport Commission
Hall of the States
444 North Capitol St., Suite 638
Washington, DC 20001

Re: Lyondell Comments on OTC Model Rules for Solvent Degreasing and Consumer Products.

Dear Mr. Ryan-Bond,

As the producer and supplier of the VOC-exempt solvents tertiary-butyl acetate (TBAC) and propylene carbonate (PC), Lyondell Chemical Company (Lyondell) is pleased to provide the following comments on the draft OTC model rules for Consumer Products and Solvent Degreasing.

Lyondell's comments are limited to the definitions of a volatile organic compound which suggest three possible options for the States to adopt. We respectfully request that the definition be limited to options 1 and 2 as shown below.

Solvent Degreasing model rule:

ee) "Volatile Organic Compound (VOC)"

OPTION 1: ~~Develop a~~ OTC state-specific definition

OPTION 2: Reference federal list at 40 CFR 51.100 (s)

~~OPTION 3: Reference CARB~~

~~Note: CARB does NOT include TBAC and some other compounds as exempt.~~

Consumer Product model rule:

~~(177 185) "Volatile Organic Compound (VOC)" means~~

~~Option 1: OTC state-specific definition~~

~~Option 2: Federal definition at 40 CFR 51.100 (s) OTC States can update this reference as appropriate~~

~~Option 3: CARB definition, which differs from the Federal definition, at Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Article 2, Consumer Products~~

Our concerns with the definitions as written are 1) they are not the same and 2) they reference CARB definitions that are either outdated or are not specified. This could confuse state regulators as they draft their own regulations and create conflicts between



the new rules and their existing VOC definitions. This happened before, when the PA DEP adopted the OTC AIM model rule definition with an outdated list of exempt compounds. As a result, the PA AIM rule did not recognize the newly exempted compounds and was inconsistent with their general definition of a VOC. The PA DEP had to go through rulemaking again to correct this inconsistency.

As the comment in the Solvent Degreasing draft rule suggests, CARB has not added the latest compounds exempted by the EPA to their list of exempts. This includes three useful exempt solvents TBAC, PC, and DMC. If an OTC state were to choose the CARB definition option, it would essentially declare these newly exempted compounds VOCs for the purpose of this rule and create a conflict with their general VOC definition. We see no value in making fewer exempt compounds available to formulators of consumer products or solvent degreasing operations. We also see no value in the States having to spend resources later to resolve these inconsistencies.

Removing option 3 would prevent this from occurring again. Thank you for the opportunity to comment on these model rules. Feel free to call me with any questions.

Sincerely,

Daniel B. Pourreau, Ph.D.
Technical Advisor

cc: Doug Fratz (CSPA), Ali Mirzakhali (DNREC), Gene Pettingill (DNREC), Susan Hoyle (PA DEP)