



**Testimony of Joseph Hoch, DNR Regional Pollutants Section Chief,
Air Management Program,
Before the Committee on Natural Resources
Regarding Clearinghouse Rule 11-005
(Reasonably Available Control Technology Emission Limitations for Volatile Organic Compounds)**

September 14, 2011

Good Morning, I am Joseph Hoch, Chief of the Regional Pollutant Section in the Bureau of Air Management at the Department of Natural Resources. I am here today to testify on Clearinghouse Rule 11-005.

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards for six air pollutants; also known as criteria pollutants. Ground-level ozone is one of the six criteria pollutants. It is not emitted directly into the air, but is created by a chemical reaction between oxides of nitrogen, referred to as NOx, and volatile organic compounds, referred to as VOC, in the presence of sunlight.

Areas not meeting the federal air quality standards are designated by the U.S. EPA as non-attainment areas. Currently, seven counties in Southeast Wisconsin are designated non-attainment for the 1997 8-hour ozone standard of 84 parts per billion. Such areas are required to adopt a variety of NOx and VOC control measures. One such control measure is reasonably available control technology, referred to as RACT, for both NOx and VOC.

The VOC RACT rules recently adopted by the Wisconsin Natural Resources Board on August 10, 2011 were primarily modifications of existing rules. Modifications were necessary because the U.S. EPA identified deficiencies with some of our prior rules. The primary impacted stakeholders from these rule revisions are the printing and coating industry. During this latest rule drafting process, the Department worked closely with both the EPA and potentially affected stakeholders to virtually assure approvability. The rule revisions generally represent more stringent control of VOC emissions in Southeast Wisconsin.

The VOC RACT rule revisions are necessary for three reasons:

1. Approved VOC RACT rules are required by the Clean Air Act to be included in our State Implementation Plan to address ozone non-attainment areas.
2. The Department requested all of Southeast Wisconsin be redesignated to an attainment area for the 1997 8-hour ozone standard in September, 2009. The U.S. EPA can not act on this request until our VOC RACT rules are fully approved.
3. The President recently decided the U.S. EPA would not revise the current ozone standard, which is the 2008 8-hour ozone standard of 75 parts per billion until at least 2013. It is beneficial for the state to avoid potential overlaps in non-attainment between the 1997 ozone standard and the 2008 ozone standard because when this happens the more stringent requirements apply. This is done in order to prevent backsliding of air quality improvements.

Thank you for the opportunity to provide the committee with information on these rule revisions. I would be happy to answer questions you may have at this time.