



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Draft Final Rulemaking: Control of VOC Emissions from Fiberglass Boat Manufacturing Materials

Small Business
Compliance Advisory Committee
January 28, 2015

Background on Draft Final Rulemaking

- Section 172(c)(1) of the Clean Air Act (CAA) requires that state implementation plans (SIPs) for nonattainment areas include “reasonably available control measures” (RACM), including “reasonably available control technology” (RACT), for sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x)
- Section 182(b)(2)(A) of the CAA provides that for certain nonattainment areas, States must revise their SIPs to include RACT for each VOC source category covered by a Control Techniques Guidelines (CTG) issued by EPA between November 15, 1990, and the date of attainment.

Background on Draft Final Rulemaking

- In September 2008, EPA issued a CTG for Fiberglass Boat Manufacturing Materials with recommendations to reduce VOC emissions.
- The CTG applies to certain facilities that manufacture hulls, decks and related parts, as well as molds, from fiberglass. The recommended applicability threshold for actual VOC emissions is 15 lbs/day or 2.7 tons per 12-month rolling period, before add-on controls.
- The CTG does not apply to coatings or industrial adhesives or pleasure craft.

Background on Draft Final Rulemaking

- Based on the 2008 CTG for Fiberglass Boat Manufacturing Materials, the DEP developed a final rulemaking as presumptive RACT to reduce VOC emissions from this source category.
- The final rulemaking will add a new section in Chapter 129, § 129.74, for the control of VOC emissions from fiberglass boat manufacturing materials.

▶ Applicability Provisions in § 129.74(a)

The final rulemaking for Fiberglass Boat Manufacturing Materials will apply to the owners and operators that manufacture the following from fiberglass:

- Boat hulls.
- Decks.
- Molds and Plugs.
- Related boat parts only if hulls, decks or molds are also being manufactured.

Definitions in § 129.74(b)

- Section 129.74(b) of the final rulemaking includes terms and phrases applicable to Fiberglass Boat Manufacturing Materials.
- The definitions are being adopted in this section to avoid confusion with certain existing definitions in § 121.1.

Exceptions Provided in § 129.74(c)

The final rulemaking will not apply to certain operations. Section 129.74(c) includes exceptions for the following:

- Resin application processes in closed molding operations;
- Surface coatings applied to fiberglass boats;
- Surface coating applied to a combination fiberglass and metal boat; and
- Industrial adhesives used in assembling the fiberglass boat.

▶ RACT Requirements in §§ 129.74(d) and 129.74(e)

- The RACT requirements in § 129.74 would supersede the requirements specified in a RACT permit issued to the owner and operator of an affected source unless the RACT permit contains more stringent requirements.
- In § 129.74(e), an owner or operator of a fiberglass boat manufacturing operation would comply with applicable requirements, beginning on the effective date of the final rulemaking.

Options to Reduce VOC Emissions

- The final rulemaking provides the following options for reducing VOC emissions from fiberglass boat manufacturing materials:
 - Compliant Materials Option in § 129.74(f)(1).
 - Emissions Averaging Option in § 129.74(f)(2).
 - Add-on Control Device Options in § 129.74(f)(3).
- An owner or operator of an affected facility may use one or more of these methodologies to reduce VOC emissions.

Control Device Option and Other Limits

- Add-on air pollution control device or capture system options are included in §§ 129.74(f)(3) and 129.74(g) to reduce VOC emissions. Use of add-on controls may be elected by the owner or operator of an affected facility to demonstrate compliance.
- The owner or operator may use an open molding filled production resin or filled tooling resin in each of the emission limit options specified in Subsection (f).
- Section 129.74(h) pertains to emission limits for filled production resins and filled tooling resins.

Alternative and Work Practice Requirements

- Section 129.74(j) establishes alternative requirements for control of monomer VOC content for certain resin and gel coat materials.
- Section 129.74(k) establishes work practices for resin and gel coat materials. The owner and operator must keep containers closed when capacity is equal to or greater than 55 gallons and covers shall have no visible gaps.
- Section 129.74(l) establishes VOC content limits and work practices for cleaning materials.

Compliance and Monitoring Requirements

- The owner or operator of a facility subject to § 129.74 must comply with the following requirements in Subsection (m):
 - Use the test methods and procedures in Subsection (n) to determine the monomer VOC content of resin and gel coat material.
 - Equip add-on air pollution control devices with the applicable monitoring equipment. The monitoring equipment must be installed, calibrated, operated and maintained according to manufacturer's specifications at all times the add-on air pollution control device is in use.
 - IRRC comment on testing was addressed by amending Subsection (m).

▶ Sampling and Testing Requirements

- The owner or operator of a facility subject to § 129.74 must perform sampling and testing using one or more of the methods in Subsection (n)(1) to determine the monomer VOC content of a resin or gel coat.
- Under Subsection (n)(2), the test methods and procedures specified in Chapter 139 (relating to sampling and testing) must be used for sampling and testing of add-on air pollution control devices.
- Compliance language for the timing and recurrence of testing was added into Subsection (m) to address IRRC comment.

Recordkeeping and Reporting Requirements

- Recordkeeping requirements are specified in § 129.74(o). Monthly records must be sufficient to demonstrate compliance with applicable requirements.
- Reporting requirements will be codified in § 129.74(p). The records must be maintained for 2 years, unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records must be submitted to DEP in an acceptable format upon receipt of a written request.

▶ Advisory Committee Review and Concurrence

The Air Quality Technical Advisory Committee (AQTAC), the Citizens Advisory Council (CAC) and the Small Business Compliance Advisory Committee (SBCAC) concurred with DEP's recommendation to deliver the proposed rulemaking to the Environmental Quality Board (EQB) for action.

- Dec. 12, 2013 – AQTAC concurrence
- March 18, 2014 – CAC concurrence
- April 23, 2014 – SBCAC concurrence

Public Participation Period

- The EQB held three public hearings on Aug. 19, 20, and 21, 2014, in Pittsburgh, Norristown and Harrisburg , respectively. No comments were received at the hearings.
- The public comment period closed on Sept. 22, 2014—no comments were submitted to the board during the public comment period.
- On Sept. 27, 2014, the Independent Regulatory Review Commission (IRRC) received a comment from Elam M. Herr, representing the Pennsylvania State Association of Township Supervisors (PSATS).

Public Participation Period

- Mr. Herr stated that the PSATS would not take a position on the regulation and concluded that “it has no direct impact or financial cost” to its members.
- Mr. Herr also wrote that the rulemaking would benefit its members by controlling and limiting VOC emissions from the air.
- IRRC submitted a copy of the PSATS comment to DEP’s Policy Office.
- IRRC submitted an official comment regarding the timing and recurrence of testing.

Anticipated Final Rulemaking Schedule

- **AQTAC**
November 7, 2014
- **CAC**
Winter 2014/2015
- **SBCAC**
January 28, 2015
- **EQB – Final Rulemaking**
March 2015
- **Final Rulemaking Promulgated**
Summer 2015

SBCAC Action Requested

- We request SBCAC's concurrence with DEP's recommendation to move the final-form fiberglass boat manufacturing materials regulation forward to the EQB for consideration.
- Questions?



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