

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REASONABLY AVAILABLE CONTROL) R10-20
TECHNOLOGY (RACT) FOR VOLATILE) (Rulemaking-Air)
ORGANIC MATERIAL EMISSIONS FROM)
GROUP IV CONSUMER & COMMERCIAL)
PRODUCTS: PROPOSED AMENDMENTS)
TO 35 ILL. ADM. CODE 211, 218, and 219)

NOTICE

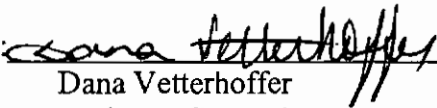
To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
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DATED: June 4, 2010

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**POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by its attorneys, hereby submits its post-hearing comments in the above rulemaking proceeding.

The Illinois EPA filed this rulemaking on March 8, 2010. Subsequently, several interested parties approached the Agency with concerns regarding specific portions of the proposal, or identified issues at the hearings that took place on April 28, 2010, and May 19, 2010. The Agency engaged in negotiations with these stakeholders, resulting in a Motion to Amend Rulemaking Proposal (“Motion to Amend”), filed with the Illinois Pollution Control Board (“Board”) on May 17, 2010. The Agency also filed post-hearing comments following the April 28 hearing, and submits these post-hearing comments following the May 19 hearing.

These documents, along with information adduced at hearing, resolve many of the concerns expressed by interested parties regarding the proposed rule. Based on the Agency’s current understanding, the only portions of the rule that may still be disputed involve Section 218/219.204(q)(5) regarding pleasure craft surface coatings. The proposed revisions outlined in these comments, however, sufficiently address the concerns set forth in the pleasure craft industry’s testimony.

Extension of Compliance Date

In response to a request at the May 19, 2010, hearing regarding the rulemaking proposal (“hearing”) that the Agency provide additional time for sources to comply with the proposal, the Agency recommends extending the compliance date one year, from May 1, 2011, to May 1, 2012.

Recordkeeping Requirements for Sources Exempt from Subpart JJ

In its Motion to Amend, the Agency recommended amending Section 218/219.904 to include additional recordkeeping requirements for certain exempt sources. (Motion to Amend No. 3). In response to a request at hearing, the Agency recommends further amending Section 218/219.904(a)(2) to change the recordkeeping requirements from daily to monthly, as follows:

Section 218/219.904 Recordkeeping and Reporting Requirements

a)

2) Collect and record the following information each ~~month~~day for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:

- A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
- B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each ~~month~~day by each miscellaneous industrial adhesive application operation;

Testimony of Robert Raymond

At hearing, Robert Raymond offered testimony on behalf of Rayvac Plastic Decorators, Inc. (“Rayvac”). Mr. Raymond testified that the 2.3 lb/gal VOM limitation for “general one component” coatings, set forth in the Agency’s proposed Section 218/219.204(q)(2)(A) regarding miscellaneous plastic parts and products coatings, would be “difficult of reach.” Mr.

Raymond recommended that plastic coaters be allowed to continue operating under existing regulations, or that the proposed limit be raised to 3.5 or 4 lb/gal. He also recommended that the compliance date be extended beyond May 1, 2011. (Testimony of Robert Raymond).

When questioned regarding the coatings used by Rayvac, and the categories in Section 218/219.204(q) that such coatings may fall into, Mr. Raymond acknowledged that Rayvac's coatings may not even be subject to the "general one component" VOM limit referenced above. Mr. Raymond testified that approximately 20 percent of Rayvac's business regards automotive products. Proposed subsection (q)(3) of Section 218/219.204 sets forth limitations for automotive/transportation plastic parts and products. All of the limits set forth in such subsection are higher than 2.3 lb/gal, and some are significantly higher. In fact, the VOM limits for the majority of the coating categories in subsection (q)(3) are equal to or higher than the 3.5 to 4 lb/gal limit that Mr. Raymond recommended in his testimony. Mr. Raymond testified that he would consider several of the limits set forth in these categories to be reasonable. (*See* 5/19/10 Transcript at 59.23-60.1). Similarly, Mr. Raymond testified that 85 percent of Rayvac's business involves vacuum metalized coatings. He further testified that the 6.7 lb/gal limit in Section 218/219.204(q)(2) for vacuum-metalizing coatings was achievable based on current technology. (5/19/10 Transcript at 61.4-61.24).

Mr. Raymond indicated that he is willing to work with the Agency to determine which coating categories in the Agency's proposal apply to the specific coatings used by Rayvac. (5/19/10 Transcript at 62.14). The Agency is willing to assist sources in making this determination as well. Additionally, the Agency is recommending that the compliance date for the Agency's proposal be extended from May 1, 2011, to May 1, 2012, in part to provide sources

like Rayvac additional time to work with the Agency, properly categorize their coatings, and determine a compliance strategy.

In light of what appears to be a misinterpretation regarding the limits applicable to Rayvac's coatings, the VOM limit for "general one component" coatings should not be changed.

Testimony of Olin Corporation

Olin Corporation ("Olin") prefiled testimony on May 7, 2010. In its testimony, Olin expressed concerns regarding the impact of the proposed VOM limits for the military specification coatings and "all other coatings" categories, as set forth in Section 218/219.204(q)(1), on sealants used in ammunition manufacturing. Olin indicated uncertainty regarding how certain sealants would be classified by the Agency, and argued that the proposed VOM limits would require costly and infeasible product reformulation. Olin requested that the definition for "military specification coating" exclude ammunition sealants, and that primer sealants and ejection cartridge sealants used in ammunition manufacturing be exempted from the proposed rule.

Based on negotiations with Olin, the Agency recommended in its Motion to Amend that a separate coatings category be added to Part 218/219.204(q)(1) for ammunition sealants and that several definitions be added to Part 211 to define terms relevant to ammunition sealants. (Motion to Amend No. 7). The Agency also clarified in its post-hearing comments following the April 28 hearing that it did not intend for military specification coatings to include sealants used in ammunition manufacturing, and that it intended for primer sealants to continue to be regulated under Subpart TT of Parts 218 and 219. (Post-Hearing Comments No. 4).

At hearing, however, Mr. Sutton, a representative of Olin, expressed concerns that the Agency's proposal could still be interpreted to subject primer sealants and ejection cartridge

sealants to the limits for military specification coatings or “all other coatings.” (5/19/10 Transcript at 8.18-9.17). The Agency agrees that such an interpretation is possible.

Consequently, the Agency proposes amending Section 218/219.204(q) to provide that subsection (q) does not apply to primer sealants and ejection cartridge sealants, as set forth below. The Agency also proposes amending definitions in Part 211 to be consistent with this change.

Additionally, the Agency recommends deleting the word “nitrocellulose” from the definition of “ejection cartridge sealant” in response to information provided by Olin that certain wads are instead made of plastic. Olin also provided information regarding the difficulty of complying with the application method requirements set forth in Section 218/219.219(b)(6) for mouth waterproofing sealants and cap sealants. In response to this information, the Illinois EPA recommends exempting these sealants from such application method limitations.

The Agency believes that its Motion to Amend and the revisions set forth in these post-hearing comments resolve all of the concerns set forth in Olin’s prefiled testimony, as well as the concerns Olin expressed to the Agency following the hearing:

Section 211.481 Ammunition Sealant

“Ammunition sealant” means, for purposes of 35 Ill. Adm. Code Parts 218.204(q)(1) and 219.204(q)(1), a coating applied in the manufacture of ammunition, including cap sealants and mouth waterproofing sealants. ~~Primer sealants and ejection cartridge sealants are not included within this category.~~

Section 211.1872 Ejection Cartridge Sealant

Ejection cartridge sealant means, for purposes of 35 Ill. Adm. Code Parts 218.204(q)(~~1~~) and 219.204(q)(~~1~~), a sealant applied during the assembly of an ejection cartridge to provide a waterproof barrier between a shellcase and primer, and between a shellcase and ~~the nitrocellulose~~ wad.

Section 211.5075 Primer Sealant

Primer sealant means, for purposes of 35 Ill. Adm. Code Parts 218.204(q)(1) and 219.204(q)(1), a sealant applied in the manufacture of ammunition to assembled primers to maintain the primer assembly and prevent explosive priming mix from dusting during the transfer of primers.

Section 218/219.204 Emission Limitations

- q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2011. On and after May 1, 2011, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations below. The limitations in this subsection (q) shall not apply to aerosol coating products, ~~or powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing.~~ Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.

Section 218/219.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

- c) Notwithstanding subsection (b) of this Section, the application method limitations in subsection (b)(6) shall not apply to the following:

.....

- 4) For plastic parts and products coating operations: airbrush operations using 18.9 liters (5 gallons) or less of coating per year;
- 5) For ammunition sealant operations: cap sealants and mouth waterproofing sealants.

Testimony of Pleasure Craft Surface Coaters

On May 7, 2010, James Sell, senior counsel for the American Coatings Association (“ACA”), submitted to the Board prefiled testimony titled “NPCA/FSCT Comments on the Inclusion of South Coast Rule 1106.1 as RACT for Coating of Pleasure Craft (and Associated Parts and Products) into Final CTG for Miscellaneous Metal and Plastic Parts” (“NPCA prefiled testimony”). At hearing, David Halcomb presented additional testimony on behalf of James Sell.

In its prefiled testimony, NPCA argues that the VOM limitations set forth in proposed Section 218/219.204(q)(5) regarding pleasure craft coatings exceed reasonably available control technology (“RACT”) and should not have been included in the United States Environmental

Protection Agency's ("USEPA") final Control Techniques Guidelines ("CTG"). NPCA also argues that the pleasure craft coatings industry has not been given sufficient time to produce coatings that both comply with the VOM limitations and meet the performance and aesthetic requirements of pleasure craft manufacturers and owners. NPCA recommends that the rule be revised to include an annual averaging approach, or, if an averaging approach is not possible, to increase the limits for several coating categories, add an additional coating category, and revise the definition of "extreme high gloss topcoat."

As discussed above, the Agency recommends extending the compliance date one year, to May 1, 2012. The Agency also recommends providing pleasure craft surface coaters an averaging option, as requested by NPCA, set forth below. The Agency provided James Sell, David Halcomb, and several other pleasure craft industry representatives a draft of the proposed Section 218.207(m) regarding averaging. When given the opportunity to comment on the Agency's proposed language at a subsequent conference call, pleasure craft representatives did not express any objection to such language.

The Agency also proposes amending Section 218/219.211 to set forth recordkeeping and reporting requirements for sources utilizing the averaging alternative:

Part 218:

Section 218.207 Alternative Emission Limitations

- a) Any owner or operator of a coating line subject to Section 218.204 of this Subpart, except coating lines subject to Section 218.204(q)(6), may comply with this Section, rather than with Section 218.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 218.105 of this Part and the recordkeeping and reporting requirements specified in Section 218.211(e) of this Subpart; and the control device is equipped with the applicable monitoring

equipment specified in Section 218.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l) of this Section may be used as an alternative to compliance with Section 218.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 218.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (m) of this Section, rather than with Section 218.204 of this Subpart.

.....

m) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations.

The owner or operator of a source with coating operations subject to the requirements of Section 218.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative, and coating operations subject to Section 218.204(q)(5)(H), shall comply with the requirements in Section 218.204(q)(5), 218.205, or 218.207(l), as applicable, as well as with all other applicable requirements in this Subpart.

1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (m) shall use Equation 1 below to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in the emissions average:

Equation 1:

$$VOM_{\text{Allowable}} = \sum_{i=A}^G LIM_i V_i$$

Where:

VOM_{Allowable} = Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i = The applicable VOM content limit for a specified pleasure craft coating category

from Section 218.204(q)(5)(A) through (G) expressed in kilograms per liter.

V_i =

Volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i =

Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (m) shall use Equation 2 below to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{Actual} = \sum_{i=A}^G VOM_i V_i$$

Where:

VOM_{Actual} =

VOM emissions calculated using the VOM content for all coatings from Section 218.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.

VOM_i =

Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) expressed in kilograms per liter.

V_i =

Total volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i =

Subscript denoting a specific pleasure craft

coating category from Section 218.204(q)(5)(A) through (G).

- 3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (m) shall use Equation 3 below to calculate the weighted-average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=1}^n VOM_j V_j}{\sum_{j=1}^n V_j}$$

Where:

VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) expressed in kilograms per liter.

VOM_j = VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.

V_j = Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.

i = Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

j = Subscript denoting a specific pleasure craft coating within a specified coating category, i.

n = Number of coatings applied within a specified coating category, i.

Section 218.211 Recordkeeping and Reporting

- c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B),

(a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:

.....

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1), ~~or (e)(1)~~, or (h)(1) of this Section below, as applicable respectively. Upon changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 of this Subpart or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d), ~~or (e)~~, or (h) of this Section, as applicable respectively.

d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of Section 218.205 of this Subpart shall comply with the following:

.....

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1), ~~or (e)(1)~~, or (h)(1) of this Section, as applicable respectively. Upon changing the method of compliance with this subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection

(c), ~~or~~(e), or (h) of this Section, as applicable respectively.

.....
h) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 218.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 218.207(m) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 218.204, 218.205, or 218.207(l) of this Subpart to Section 218.207(m) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations, and submit to the Agency the results of such tests and calculations, necessary to demonstrate that the subject coating line will be in compliance with Section 218.207(m) on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft surface coating operation shall:

A) Collect and record the following information each month:

i) The amount of each pleasure craft surface coating used in each subject coating operation;

ii) The VOM content of each pleasure craft surface coating used in each subject coating operation;

iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;

B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;

ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;

- C) Notify the Agency in writing of any violation of the requirements of Section 218.207(m) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
- D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207(m) to Section 218.204, 218.205, or 218.207(l). Upon changing the method compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable;
- E) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

Part 219:

Section 219.207 Alternative Emission Limitations

- a) Any owner or operator of a coating line subject to Section 219.204 of this Subpart, except coating lines subject to Section 219.204(q)(6), may comply with this Section, rather than with Section 219.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 219.105 of this Part and the recordkeeping and reporting requirements specified in Section 219.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 219.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) of this Section may be used as an alternative to compliance with Section 219.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 219.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (l) of this Section, rather than with Section 219.204 of this Subpart.

.....

1) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations.
The owner or operator of a source with coating operations subject to the requirements of Section 219.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative, and coating operations subject to Section 219.204(q)(5)(H), shall comply with the requirements in Section 219.204(q)(5), 219.205, or 219.207(k), as applicable, as well as with all other applicable requirements in this Subpart.

1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (l) shall use Equation 1 below to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in the emissions average:

Equation 1:

$$VOM_{\text{Allowable}} = \sum_{i=A}^G LIM_i V_i$$

Where:

VOM_{Allowable} =

Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i =

The applicable VOM content limit for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) expressed in kilograms per liter.

V_i =

Volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i =

Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (l) shall use Equation 2 below to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{\text{Actual}} = \sum_{i=A}^G VOM_i V_i$$

Where:

VOM_{Actual} = VOM emissions calculated using the VOM content for all coatings from Section 219.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.

VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) expressed in kilograms per liter.

V_i = Total volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i = Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

- 3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (l) shall use Equation 3 below to calculate the weighted-average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=1}^n VOM_j V_j}{\sum_{j=1}^n V_j}$$

Where:

VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) expressed in kilograms per liter.

VOM_j = VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.

V_j = Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.

i = Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

j = Subscript denoting a specific pleasure craft coating within a specified coating category, i.

n = Number of coatings applied within a specified coating category, i.

Section 219.211 Recordkeeping and Reporting

c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart other than Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 219.204 of this Subpart shall comply with the following:

.....

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of

compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1), ~~or (e)(1), or (h)(1)~~ below, as applicable respectively. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d), ~~or (e), or (h)~~ of this Section, as applicable respectively.

- d) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of Section 219.205 of this Subpart shall comply with the following:

.....

- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 219.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1), ~~or (e)(1), or (h)(1)~~ of this Section, as applicable respectively. Upon changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c), ~~or (e), or (h)~~ of this Section, as applicable respectively.

.....

- h) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 219.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 219.207(l) of this Subpart shall comply with the following:

- l) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 219.204, 219.205, or 219.207(k) of this Subpart to Section 219.207(l) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations, and submit to the

Agency the results of such tests and calculations, necessary to demonstrate that the subject coating line will be in compliance with Section 219.207(l) on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft surface coating operation shall:

A) Collect and record the following information each month:

- i) The amount of each pleasure craft surface coating used in each subject coating operation;
- ii) The VOM content of each pleasure craft surface coating used in each subject coating operation;
- iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;

B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

- i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;
- ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;

C) Notify the Agency in writing of any violation of the requirements of Section 219.207(l) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207(l) to Section 219.204, 219.205, or 219.207(k). Upon changing the method compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable;

E) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

As outlined above, instead of requiring that sources comply with a specified VOM limitation for each coating applied, the proposed averaging option would allow subject sources to average all coatings included in the emissions alternative, and comply with a source-specific mass VOM emission limitation on a 12-month rolling average basis. This compliance alternative will allow sources to continue using the low volume, high-VOM coatings that NPCA argues are necessary to comply with customer specifications regarding appearance, as sources can then average with high volume, low-VOM coatings used in the source's operations to bring the source's total actual VOM emissions below the mass emission limit. (*See, e.g., 5/19/10 Transcript at 29-30*).

This alternative method of compliance is sufficient to address NPCA's concerns without raising any of the proposed VOM limitations. First, the averaging approach proposed by the Agency provides great flexibility. Unlike other averaging provisions that only allow a source to average coatings within a particular coating category, such as the daily-weighted averaging option set forth in the existing Section 218/219.205, the Agency's proposal allows pleasure craft sources to average coatings from seven different coating categories (those set forth in Section 218/219.204(q)(5)(A) through (G)). Averaging across coating categories, and source-wide, is not generally allowed in Subpart F of Parts 218 and 219, unless specifically provided for.

Second, including a source-wide averaging alternative among multiple coating categories *and* raising VOM limitations is unnecessary. The increased VOM limits recommended in NPCA's prefiled testimony were contemplated as an alternative to averaging. (*See NPCA prefiled testimony, p. 10. "If [averaging] is not deemed possible, then points 2 and 3*

[recommending higher VOM limits] should apply.” *See also* 5/19/10 Transcript at 29.1).

Providing both averaging and higher limits would therefore give pleasure craft coaters a windfall and run contrary to the goal of reducing emissions of VOM. For example, if pleasure craft coaters supposedly need a VOM limit of 600 g/l for extreme high gloss coatings in the absence of averaging, including averaging should reduce that need greatly, if not completely. Averaging thus negates the need for higher limits, particularly limits as high as those set forth in NPCA’s comments. Moreover, NPCA has not submitted sufficient evidence to support the addition of both averaging and higher limits, making inclusion of both provisions inappropriate.

Finally, an averaging option will address the guidance anticipated from USEPA concerning pleasure craft coatings. It is Illinois EPA’s understanding that USEPA intends to issue a letter or memorandum providing states more latitude in deviating from the CTG-recommended VOM limits for pleasure craft coatings or in instituting compliance alternatives. The averaging option, as discussed above, should sufficiently implement this guidance by providing sources a compliance alternative that addresses concerns regarding the use of higher-VOM coatings.

The Agency’s recommended compliance date extension is sufficient to address NPCA’s concerns as well. While the NPCA has stated several times that the pleasure craft industry has not had sufficient time to develop compliant coatings, the VOM limits for extreme high gloss coatings and finish primer coatings were promulgated in South Coast in 1994, and the limit for antifoulant coatings in 2001. (*See* 5/19/10 Transcript at 25.10-26.1). Such limitations may at the time have been considered “technology-forcing”; however, sixteen years, and for antifoulant coatings, nine years, have subsequently passed in which this technology development could have occurred. While David Halcomb testified at hearing that advancements have been made in that

time, he did not specify exactly what those advancements entailed. The Illinois EPA is unclear as to the focus of such efforts, or whether they resulted in actual VOM reductions.

Further, the Illinois EPA is unaware of any pleasure craft surface coating operations currently located in Illinois nonattainment areas. David Halcomb testified at hearing that he does not know of any such sources either, or of any sources planning to begin operations in Illinois nonattainment areas. (5/19/10 Transcript at 32.4). Any supposed hardship a source would encounter in complying with the Agency's proposal by the extended compliance date is, at this point, purely theoretical. A further extension is therefore unwarranted.

The Agency recognizes that a disparity may still exist between certain proposed VOM limits and the current state of the pleasure craft industry. The Agency's proposed averaging approach and compliance date extension, however, are sufficient to fill in any gaps that remain.

American Coatings Association's Additional Recommendations

On May 28, 2010, the Illinois EPA received correspondence from James Sell of the ACA indicating that the ACA intends to file comments with the Board requesting revised definitions for pretreatment wash primer and high gloss topcoat, and "additional technology information demonstrating the need for our requested limits." (Letter from Jim Sell 5/28/10). This is the first time the Agency has been made aware of any issues with the definitions for these two terms, which have not been previously raised in this rulemaking. As the correspondence from Mr. Sell did not include the proposed revisions, an explanation as to why such revisions are needed, or a copy of the "additional technology information," the Illinois EPA is unable to comment on the substance of the recommendations.

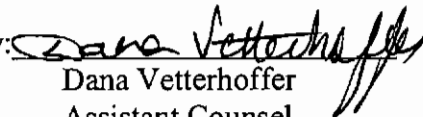
The Illinois EPA would like to note, however, that it had no involvement in the USEPA's inclusion of the limits from South Coast Air Quality Management District's Rule 1106.1 in the

final CTG for miscellaneous metal and plastic parts, in USEPA's proposed definitions, or in USEPA's determination that such provisions constitute RACT. USEPA chose to include these limits and definitions for pleasure craft surface coatings in the CTG, and Illinois is now required to either adopt regulations to implement such provisions or adopt alternative approaches that constitute RACT, which are then subject to USEPA approval as a state implementation plan ("SIP") revision. The Illinois EPA developed its rulemaking proposal based on these requirements.

While the Agency anticipates guidance from USEPA allowing states greater deference in implementing the CTG's recommendations for pleasure craft coatings, the scope of the future guidance and the amount of discretion the USEPA intends to allow states is currently unknown. Again, since the Agency has not had the opportunity to review the ACA's additional proposed revisions or any evidence supporting the revisions, the Agency is currently unable to evaluate the likelihood that such amendments will be acceptable to USEPA. The Agency therefore recommends against including these revisions in the rule at this time.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: June 4, 2010

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R10-20
REASONABLY AVAILABLE CONTROL)	(Rulemaking-Air)
TECHNOLOGY (RACT) FOR VOLATILE)	
ORGANIC MATERIAL EMISSIONS FROM)	
GROUP IV CONSUMER & COMMERCIAL)	
PRODUCTS: PROPOSED AMENDMENTS)	
TO 35 ILL. ADM. CODE 211, 218, and 219)	

CERTIFICATE OF SERVICE

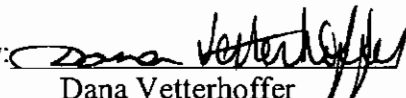
I, the undersigned, an attorney, state that I have served electronically the attached POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the following person:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

and electronically to the following persons:

SEE ATTACHED SERVICE LIST.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: June 4, 2010

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