

May 6, 2011

Illinois Pollution Control Board  
100 West Randolph St., Suite 11-500  
Chicago, Illinois 60601

Dear Board Members:

I am forwarding the ACA comments on the Proposed Pleasure Craft regulation aspect of the so-called Group IV CTGs for Miscellaneous Metal and Plastic Parts.

We submitted similar comments on this issue when it was first considered by the Board and provided testimony as well.

As set out in our petition paper, some of the VOC limits for certain coatings categories in the Proposed Pleasure Craft CTG do not represent RACT. We suggest and justify revised limits for these coatings categories that truly represent RACT for them. We would greatly appreciate your reconsideration of the matter.

We also have attached USEPA's unprecedented letter in response to our concerns in which it states that the states in determining whether to adopt this aspect of the CTG are free to make up their own minds.

This is an unprecedented departure from the traditional USEPA position that CTGs are presumptively RACT.

The reason for this departure stems from USEPA's recognition that the process of the technology decision here justifies additional review by the states. As explained in our attached submission, the Pleasure Craft regulation aspect of the Miscellaneous Metal and Plastic Parts CTG was not in the proposed CTG. It only surfaced for industry's review in the final CTG. With no formal administrative appeal to USEPA allowed for final CTGs, we sought an informal resolution of the matter which resulted in the USEPA letter.

As the CTG indicates, USEPA selection of the VOC the pleasure craft coatings limits was based on SCAQMD Rule 1106.1.

It is important to note that these limits were even recognized by the SCAQMD as being technology-forcing when they were adopted.

"The VOC limits were decreased from 650 g/l to 490 g/l for Extreme High Gloss Topcoats, 600 g/l to 420 g/l for Finish Primers, and 400 g/l to 150 g/l for Antifoulants. At the time of rule adoption, the July 1, 1994 VOC limits were

considered technology forcing. Coatings meeting the July 1, 1994 VOC limits were either in development or undergoing initial introduction into the pleasure craft coating industry." See <http://www.aqmd.gov/hb/1999/99012a.html>

Subsequently as indicted in the 1999 rulemaking amending 1106.1, SCAQMD found that the hoped for technology had not developed and it provided for higher limits for these key coatings categories for two years.

It undoubtedly limited the suspension to two years because it apparently believed it was constrained by general product variance statutory requirements of the California Clean Air law which limits variances for products that cannot meet required clean air requirements to two years. See California Health and Safety Code Section 42368 at <http://www.aroundthecapitol.com/code/getcode.html?file=/.hsc/42001-43000/42365-42372>

“(b) A product variance may be issued for a period exceeding one year, but in no event to exceed two years from the date of the granting of the initial product variance....”

Additionally, for the antifouling coatings, pesticide registrations would require a certain period to be completed.

Besides these technology problems with the limits, the SCAQMD regulation was adopted before the ban on TBT containing antifouling coatings and thus failed to include a coatings category that is designed to contain their release- an "Antifoulant Sealer/Tie Coating".

As our comments point out, because of the continuing impossibility of the lower limits to be effectively met, the industry decamped from the SCAQMD on the expiration of the two year suspension of the lower limits.

In the end, the technology forcing limits for key coatings could not be met and forced a large pleasure craft building and repair industry to leave the SCAQMD.

You should also know that the following state agencies have agreed with our comments and are proposing to modify the CTG accordingly, or are considering to do so.

#### **Missouri**

See <http://dnr.mo.gov/env/apcp/docs/5-330responsetocomment.pdf>

#### **Ohio**

[http://www.epa.ohio.gov/portals/27/regs/3745-21/3745-21-26\\_Phase3\\_Prop.pdf](http://www.epa.ohio.gov/portals/27/regs/3745-21/3745-21-26_Phase3_Prop.pdf)

#### **Connecticut -Contact**

Merrily Gere 860-424-3416

[merrily.gere@ct.gov](mailto:merrily.gere@ct.gov)

**New Hampshire**

<http://www.des.state.nh.us/organization/commissioner/legal/rulemaking/documents/env-a1200-ip.pdf>

**Maricopa County- Contact**

Kathleen Sommer, Planner  
602.506.6706

[SommerK@mail.maricopa.gov](mailto:SommerK@mail.maricopa.gov)

**North Carolina-contact**

Planning Engineer Vladimir Zaytsev  
(919) 715-4398

[vladimir.zaytsev@ncdenr.gov](mailto:vladimir.zaytsev@ncdenr.gov)

The recent official proposal in the Missouri Gazette does not entirely reflect this due to a transcription error which carried forward only the 5 lbs/ gal limit for Extreme High Gloss coatings. We understand Missouri has now corrected this. To verify this you may wish to Contact Stan Payne of the Missouri Department of Natural Resources (573-751-4817 [Stan.payne@dnr.mo.gov](mailto:Stan.payne@dnr.mo.gov))

This is a matter of principle for the ACA.

For nearly three decades we have worked cooperatively with USEPA and state and local clean air agencies to help craft reasonable and effective reformulations of our coatings to help meet clean air goals. As our comments indicate, we were not afforded this kind of opportunity to work with USEPA on these VOC limits before they were issued in a final CTG.

Our efforts for a reasonable resolution of this issue has included requesting USEPA's OAQPS to revisit the Pleasure Craft Coatings VOC limits during its present consideration of the coatings for a NESHAP.

In response to its prior request for information in its development of the NESHAP, our industry provided it with current pleasure craft coatings data. Hence it can determine current VOC technology possibilities on the basis of that data. In fact it had this data at the time it developed the Pleasure Craft coatings VOC regulation aspect of the Miscellaneous Metal and Plastic Parts CTG and it could have referred to it for actual current VOC coatings technology. That it did not do so reflects the hurried nature of its decision making process caused by the pressing SIP information needs of the states.

Unfortunately, we have not heard from USEPA in response to our request to reconsider the Pleasure Craft aspect of the CTG and thus must continue with our state-by-state effort.

Also as you know, historically USEPA has first developed the more stringent NESHAP standards for coatings before turning to examining the RACT standard for their non-HAP VOC emissions. The logic of this is that the more stringent NESHAP standard which applies nationally may reduce or even obviate development of a less stringent RACT standard for the VOC emissions that applies only to ozone nonattainment areas. Unfortunately this practice was not followed here -- again undoubtedly due to pressures to get CTG standards out as soon as possible to help the states meet pressing SIP schedules. As suggested, had it been followed, this issue could have been avoided. In reviewing the current formulation data, USEPA would have seen the VOC limits with which are concerned are not available or technologically achievable and thus cannot be considered current RACT.

We would welcome a meeting with your staff in which we can demonstrate some of our concerns with coatings panels. The difference in the desired gloss look often can only be fully appreciated by seeing the panels.

Please let me know if you need any additional information.

Respectfully submitted,

Jim Sell  
Senior Counsel  
202-462-6272 ext 252

January 12, 2011

**ACA Comments on Pleasure Craft CTG  
Modifications required to South Coast rule 1106.1 for establishing a  
suitable RACT standard for the pleasure craft coatings industry**

**Summary**

The required changes to rule 1106.1 to form a RACT standard for the pleasure craft coatings industry are summarised in table 1.

Table 1 – Showing required changes by industry compared to limits in rule 1106.1 (changes indicated by red font)

<b>Coating Category</b>	<b>CTG VOC content taken from South Coast rule 1106.1 (g/L)</b>	<b>Industry VOC Proposal for RACT (g/L)</b>
Extreme High Gloss Coating*	490	600
High Gloss Coating	420	420
Pre-Treatment Wash Primer**	780	780
Finish Primer/Surfacer	420	600
High Build Primer Surfacer	340	340
Aluminum Substrate Antifoulant Coating	560	560
Other Substrate Antifoulant Coating	330	400
All other pleasure craft surface coatings for metal and plastic	420	420
Antifouling Sealer/Tie Coat (new category)		420

\* **Revised definition required:** Extreme High Gloss coating means any coating which achieves greater than 90 percent reflection on a 60° meter when tested by ASTM Method D523-89

\*\* **Revised definition required:** Pre-Treatment Wash Primer means a coating which contains no more than 25 percent solids, by weight, and at least 0.1 percent acids, by weight; is used to provide surface etching; and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

The following sections provide more detail to substantiate proposed modifications

**Revised VOC limit for *Finish Primer/Surfacer* category**

Boat owners have very high expectations for the final look of their boats. The finish is expected to be super smooth, super glossy (almost 'mirror-like') and durable. Coatings can be applied by a variety of application methods (brush, roller or spray) and must flow out to give a smooth, glossy finish. In order to flow out and achieve such effects, products with a higher solvent content (lower solids content) are required for both the topcoats and the primers which go beneath them

Introducing high solids/low VOC primers that provide a smooth, easy-to-sand surface necessary to provide the aesthetics demanded by owners will require significant time to develop and evaluate. Currently, high solids/low VOC primers often require additional sanding, creating more dust, to achieve the same smooth surface that is obtained with currently available products. This would necessitate a change in working practices in yards to overcome the increased health hazard associated with the increased dust levels.

An additional issue relating to a switch to lower VOC Finish/Primer surfacers is that the cost can be as much as 40% or more higher than currently available, higher VOC products. This, in combination with increased labor costs associated with the additional sanding needed to remove the increased surface texture, will make yards in areas where a VOC limit of 420g/l is implemented uncompetitive with yards in other states.

As an **interim** measure to ensure that competitive products can be supplied into ozone non-compliance areas during the next **four** years that meet the aesthetic and performance requirements demanded by boat owners, the industry requires VOC levels of the Rule 1106.1 "Finish Primer/Surfacer" coating category to be revised from 420 g/L to **600 g/L**.

**[\(See panels showing differences between high and low VOC containing primers which fit into this category\)](#)**

### **Revised VOC limit for *Extreme High Gloss Coating* category**

The *Extreme High Gloss Coatings* category represents a comparatively small but **critical, high value** segment of the overall pleasure craft market.

The aesthetic properties that topcoats give to the topsides of pleasure craft are of primary importance to boat owners, a fact that should be neither underestimated nor dismissed. The owner has invested a significant sum of money into owning his yacht and the quality of the final appearance is its 'crowning glory'. If boat owners cannot achieve the desired super-glossy, mirror-like finish, they will not settle for an inferior solution – they will simply have their boats painted elsewhere. These coatings are professionally applied so any restriction on their use that reduces the competitiveness of individual yards will have a direct and immediate bearing on employment levels and local revenues.

High solids topcoats have not been well received in the North American pleasure craft coating market. In general, applicators and boat owners have found the finish that these products provide to be inferior to traditional, higher VOC containing products. This can be seen clearly in the situation where a yacht coated with a high solids topcoat is moored alongside one coated with a traditional finish.

Although high solids and water-based technologies are available and in use in other industries (e.g. car refinishing and aviation) the controlled application conditions which make the use of these coatings possible in those industries are neither available nor possible for the pleasure craft coating industry. Despite much product development activity, the lower VOC technologies available at this time do not provide the appearance and functionality required from a pleasure craft *Extreme High Gloss Coating*. Some low VOC topcoats, originating from the car refinish market and now being marketed for pleasure craft usage, are based on a polymer type that provides reduced durability. These coatings have a reduced lifetime and their use will necessitate a more frequent recoating schedule which means in relative terms, more VOC is emitted.

An additional issue relating to a switch to lower VOC extreme high gloss topcoats is that the cost can be as much as 60% or more higher than currently available, higher VOC products. The resultant increase in scheme cost will make yards in areas where a VOC limit of 490g/l is implemented uncompetitive with yards in other states or in other countries.

A final point of importance is that in a typical *extreme high gloss coatings* scheme, the topcoat represents less than 40% of the overall VOC burden and less than 10% of total yacht coatings on an annualised basis. Rule 1106.1 was developed to tackle serious ozone non-attainment in South Coast AQMD in California. It is overly severe and restrictive for adoption for the majority of non-attainment areas where the problem is 'Moderate' according to the EPA. The industry feels that restricting the VOC of some of the other coating categories and setting the VOC limit for Extreme High Gloss topcoats to **600 g/L**, will provide the state with a balanced VOC reduction strategy that is appropriate to the challenge and that does not seriously impact the competitiveness of the industry. This VOC limit change should be permanent as industry does not foresee any new technology emerging that can offer a route to providing performance characteristics which are acceptable by the pleasure craft coating industry.

[\(see topcoat panels which demonstrate difference in appearance between high solids and traditional formulations\)](#).

### **Revised Coating Category Definition for *Extreme High Gloss Topcoat***

As mentioned above, application of topcoats is undertaken in a variety of environmental conditions that can have an effect on the final gloss level of the product at the point of application. To manage this variation it is suggested that the gloss level stated in the definition of the Extreme High Gloss Topcoats category be lowered slightly to read;  
"*Extreme high gloss coating means any coating which achieves **greater than 90 percent** reflectance on a 60° meter when tested by ASTM Method D 523-89"*

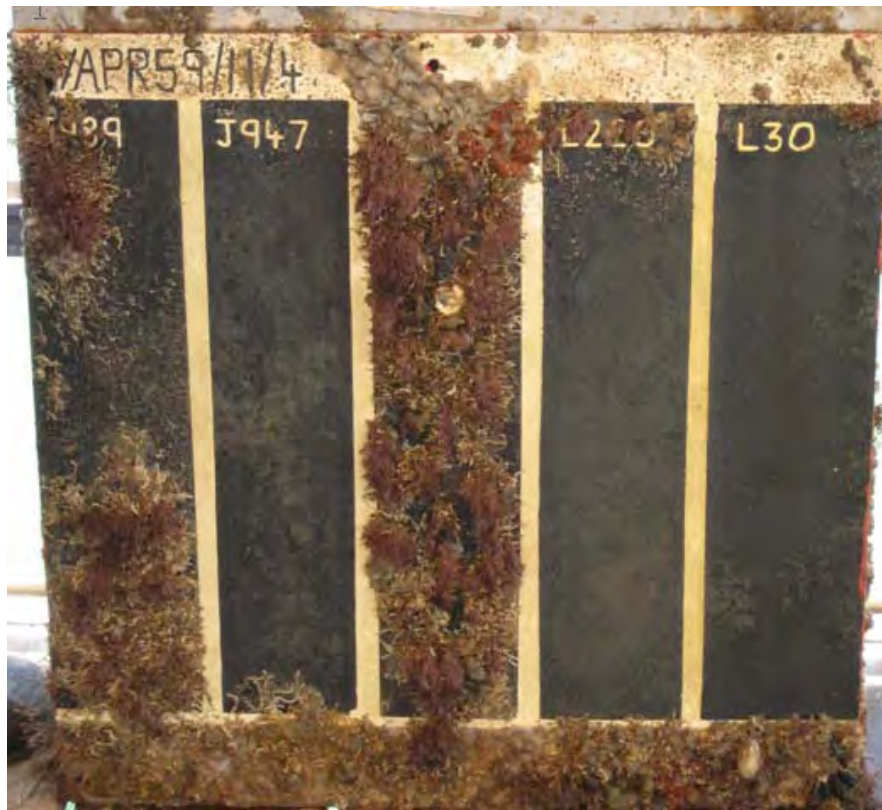


### **Revised VOC limit for Other Substrate Antifoulant Coating**

Significant time and effort have been invested by industry to develop low VOC antifouling coatings suitable for use on pleasure craft. Low VOC/Zero VOC technology is constantly evolving and improving. The key is to set VOC targets at a realistic level based on what we know today in order to ensure the maximum compromise between performance, cost, appearance, drying time and application characteristics.

Formulations are currently registered with the EPA on the basis of the percentage weight of biocide in the wet paint. As the VOC is reduced then the solvent must be replaced with something non-volatile, effectively reducing the percentage of biocide in the dry film with a concomitant reduction in performance/reduced lifetime of the coating. This may mean more frequent application of the antifouling, potentially leading to a greater overall VOC impact. It is also true that high solids/low VOC coatings tend to dry slower than their high VOC counterparts and this can impact the overall productivity of a yard for example. Similarly, water based technologies are not a panacea to the VOC challenge, though water-based technologies are being very heavily scrutinised by coatings manufacturers. In general water based coatings can only be formulated at low volume solids (30% compared to say 60%+ for an equivalent solvent-based system). This inevitably means thin films containing less biocide (which affects the performance and lifetime of the coating)

The data below shows the performance challenge with changing VOC. Panels 1-3 (left) are all based on the same active package. The two rightmost panels are standard solvent based controls.



VOC                      328g/l            std 460 g/l    w/based 68g/l    std 468 g/l    350 g/L

In addition, technologies for low VOC antifouling often result in a rougher film. The roughness of the hull contributes directly to drag which is seen as a particular issue in the case of racing yachts



## Electronic Filing - Received, Clerk's Office, May 6, 2011

The National Emission Standard for HAPs for Shipbuilding and Ship Repair (40 CFR Part 63 Subpart II) limits antifoulings in the US to 400g/L. Likewise SCAQMD Marine Rule 1106 applies a VOC limit for antifouling coatings of 400g/L. Industry believes this limit is more suitable to represent RACT for this coating category, given the current state of the existing technology. Certainly we find no justification in setting a limit lower than that applied to the National Emission Standards for HAPs for Shipbuilding and Ship Repair and the SCAQMD 1106 limits. The following VOC limit amendment is therefore required;

Category of "Other Substrate Antifoulant Coating" – amend from 330g/L to **400g/L**

[\(see demonstration films which show a low VOC water based Antifouling compared to a solvent based equivalent\)](#)

**Additional Speciality Category and VOC Limit: Antifouling Sealer/Tie Coat**

Rule 1106.1 is dated and there are more recent requirements for an additional category to reflect pleasure craft coatings of the modern day which are more environmentally friendly and/or compliant with International law.

A new category is required as a result of the International Maritime Organisation Antifouling Systems convention (IMO AFS) and should be added to the categories taken from Rule 1106.1. This convention was ratified in 2007 and houses a list of substances banned from use in antifoulings in Annex 1. Tri Butyl Tin (TBT) is the first addition to Annex 1 and the use of this biocide in antifoulings on the hulls of any marine vessels entering the waters of countries which are signatories to the convention is controlled according to the requirements of Annex 1 of the AFS. A specialised coating type is required to seal in old TBT containing antifoulings and to promote adhesion of biocide-free, non-stick foul release coatings when applied to vessels. The use of biocide-free coatings brings significant environmental benefits.

The category should be named '**Antifouling Sealer/Tie Coat**' with a maximum VOC content of **420 g/L**. Antifouling Sealer Coats and Tie Coats have been introduced into the market largely to facilitate compliance with Annex 1 of the IMO-Antifouling Systems Convention (2001).

Antifouling Sealer/Tie Coats must contain a VOC up to 420 g/L in order to facilitate adequate penetration into an underlying paint film for maximum adhesion. They also contain a high degree of polymeric material (hence need a higher VOC content to maintain an acceptable application viscosity) so the coating can form a flexible yet complete barrier over an underlying paint film. An appropriate definition for this type of coating would be...

*"a coating applied over Biocidal antifouling coating for the purpose of preventing release of biocides into the environment and/or to promote adhesion between an antifouling and a primer or other antifoulings."*

**Revised definition for the category of “Pretreatment Wash Primer”**

The current definition of *Pretreatment Wash Primer* in South Coast rule 1106.1 is restricting the development of alternative products which would be considerably less toxic to humans and the environment than those used currently. Products which meet the current definition for this are formulated to contain known carcinogens such as zinc chromate (CAS 13530-65-9) and zinc tetroxy chromate (CAS 37300-23-5)<sup>1</sup> due to the excellent anti-corrosive properties of these materials.

In most cases the approach taken in the CTG is to define the control category in terms of the product attribute. For example, the definition of a High Gloss Topcoat refers specifically to the performance attribute of the product – the gloss result. However, in the case of the “*Pretreatment Wash Primer*” category, the approach has been to define the category both in terms of the formulation parameters (acid content and solids content) and the performance attribute of the product (surface etching). By taking this approach, South Coast EPA has very much tied industry to the current, well established but very toxic zinc-based etch primers. This definition requires amending **to allow for the introduction of safer, alternative etch systems which are not based on zinc tetroxy chromate.**

Industry would like a permanent modification made to the definition so that it reads as follows;

*“PRETREATMENT WASH PRIMER means a coating which contains no more than 25 percent solids, by weight, and at least 0.1 percent acids, by weight; is used to provide surface etching; and is applied directly to fibreglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings”*

The ‘percent solids’ value must be raised from 12 to **25** to allow for an increased quantity of safer (non-carcinogenic) replacement pigment which is required for equivalent coating performance. These replacement formulations require a reduced level of acid to perform adequately therefore it is also necessary to reduce the deminimus value associated to ‘percent acids’ from 0.5 to **0.1**.

**Request Small Container Exemption**

Many industrial and commercial coatings VOC regulations include a small container exemption confined to not exceed a litre or a quart. They also often include an annual limitation on the amount used.

Architectural and industrial maintenance rules also contain such exemptions.

The purpose behind these exemptions is to allow for small repairs and touches ups to existing coatings that if done in timely manner can often avoid larger paint jobs later. In the commercial or industrial setting, the small container exemptions allows minor repairs at the end of the painting line to avoid having to completely recoat the object of product. Thus the higher VOC materials actually reduce overall VOC emissions by allowing such repairs and touch ups to avoid complete overall or redo paint jobs.

<sup>1</sup> Rated as known carcinogens by Occupational Safety & Health Administrator (OSHA), National Toxicology Program (NTP), and International Agency for Research on Cancer (IARC)



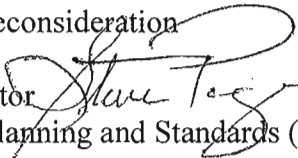
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK, NC 27711

JUN 01 2010

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

**MEMORANDUM**

**SUBJECT:** Control Technique Guidelines for Miscellaneous Metal and Plastic Part Coatings – Industry Request for Reconsideration

**FROM:** Stephen D. Page, Director   
Office of Air Quality Planning and Standards (C404-04)

**TO:** Chief, Air Branch  
Regions I-X

The purpose of this memorandum is to inform EPA Regional Offices that members of the pleasure craft industry have contacted EPA to request changes to the Control Techniques Guidelines (CTG) for Miscellaneous Metal and Plastic Part Coatings (MMPPC) (EPA-453/R-08-0373). This memorandum serves as a reminder to EPA Regional Offices of the role that CTG play in the State Implementation Plans (SIP) process for ozone nonattainment areas. CTG provide information and recommendations for state and local air pollution control agencies to consider when developing rules to meet the Clean Air Act's (CAA) reasonably available control technology (RACT) requirements. Specifically, we reiterate that the information contained in CTG, including the MMPPC CTG, is provided only as guidance. The CTG do not impose any legally binding requirements on any entity. State and local air pollution control agencies are free to implement other technically-sound approaches that are consistent with the CAA and EPA's implementing regulations. Therefore, EPA does not intend to revise the MMPPC CTG. Instead, EPA is recommending that the pleasure craft industry work together with state agencies in the RACT rule development process for MMPPC to assess what is reasonable for the specific sources regulated under each state's rules. EPA will evaluate the state-developed RACT rules and determine through notice and comment rulemaking in the SIP approval process, whether the submitted rules meet the RACT requirements of the CAA and EPA's regulations.

**BACKGROUND**

The MMPPC CTG were published on October 7, 2008 (73 FR 58486). On September 14, 2009, EPA was contacted by the pleasure craft industry with a request for EPA to reconsider some of the emission limits for volatile organic compounds (VOC) recommended in the MMPPC CTG. In its letter to EPA, industry asserted that three of the emission limits for VOC, recommended in the MMPPC CTG for pleasure craft, were too low considering the performance requirements of pleasure craft coatings, and that overall, the VOC emission limits recommended in the MMPPC

CTG did not represent RACT for the national pleasure craft coatings industry. To get further clarification of the issues, EPA held an industry conference call and spoke with individual industry members on several other occasions. The pleasure craft industry presented what they deemed to be technological and feasibility challenges to meeting the VOC emission limits recommended in the MMPPC CTG.

Table 2 of the MMPPC CTG recommends the following VOC content limits (expressed in terms of mass of VOC per volume of coating, excluding water and exempt compounds, as applied) for surface coating of pleasure craft:

**Table 2. Pleasure Craft Surface Coating VOC Content Limits**

<b>Coating Category</b>	<b>kg VOC/liter coating</b>	<b>lbs VOC/gal coating</b>
Extreme High Gloss Topcoat	0.49	4.1
High Gloss Topcoat	0.42	3.5
Pretreatment Wash Primers	0.78	6.5
Finish Primer/Surfacer	0.42	3.5
High Build Primer Surfacer	0.34	2.8
Aluminum Substrate Antifoulant Coating	0.56	4.7
Other Substrate Antifoulant Coating	0.33	2.8
All other pleasure craft surface coatings for metal or plastic	0.42	3.5

Also, the MMPPC CTG provide an option to meet alternate emission rate limits based on low-VOC coatings and add-on controls. Table 10 of the MMPPC CTG recommends the following emission rate limits for pleasure craft operations:

**Table 10. Pleasure Craft Surface Coating VOC Emission Rate Limits (VOC per Volume Solids)**

<b>Coating Category</b>	<b>kg VOC/liter solids</b>	<b>lbs VOC/gal solids</b>
Extreme High Gloss Topcoat	1.10	9.2
High Gloss Topcoat	0.80	6.7
Pretreatment Wash Primers	6.67	55.6
Finish Primer/Surfacer	0.80	6.7
High Build Primer Surfacer	0.55	4.6
Aluminum Substrate Antifoulant Coating	1.53	12.8
Other Substrate Antifoulant Coating	0.53	4.4
All other pleasure craft surface coatings for metal or plastic	0.80	6.7

The three pleasure craft categories that industry requested EPA to reconsider were extreme gloss, high gloss and antifoulant coatings. Industry urged EPA to revise the MMPPC CTG to include an averaging approach as a compliance option to allow pleasure craft coating facilities to use a combination of high and low VOC-containing products as long as the average value was kept

below a level specified by EPA. In summary, the pleasure craft industry suggested that the CTG be revised to include (one or all of) the following measures:

1. Regulate VOC emissions from facilities using pleasure craft coatings by including an averaging approach as a compliance option. If this is not deemed possible, then points 2 and 3 should apply.
2. Amend the MMPPC CTG "Finish Primer/Surfacer" VOC limit from 420g/L to **600g/L** for a four-year interim period to allow coating manufacturers and users sufficient time to develop and implement compliant coatings.
3. Make permanent changes to the MMPPC CTG with immediate and permanent effects, as follows:
  - Add an additional specialty category of "Antifouling Sealer/Tie Coat" with VOC limit of **420g/L** to align the MMPPC CTG with the International Maritime Organization's International Convention on the Control of Harmful Antifouling Systems on Ships;
  - Change the VOC emission limits in the category, "Other Substrate Antifoulant Coating" from 330g/L to **400g/L**;
  - Change the VOC emission limits in the category, "Extreme High Gloss" from 420 g/L to **600 g/L**, reflecting the very specialized nature of the coatings in this category; and
  - Revise the coating category definition of "Extreme High Gloss Topcoat" to read: "*Extreme high gloss coating means any coating which achieves **greater than 90 percent** reflectance on a 60° meter when tested by ASTM Method D 523-89.*"
4. Make the provisions and VOC limits in the pleasure craft categories of the MMPPC CTG consistent with the requirements of the planned revision to the Shipbuilding MACT Standard.

#### **OAQPS RECOMMENDATION**

After careful evaluation of the issues raised by the pleasure craft industry, OAQPS is recommending that the pleasure craft industry work with state agencies during their RACT rule development process to assess what is reasonable for the specific sources regulated because the CTG impose no legally binding requirements on any entity, including pleasure craft coating facilities. CAA Section 172(c)(1) provides that SIPs for nonattainment areas must include "reasonably available control measures" (RACM), including RACT, for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIPs to include RACT for each category of VOC sources covered by a CTG document issued between November 15, 1990, and the date of attainment. The CTG are intended to provide state and local air pollution control authorities with information to assist them in determining RACT for VOC.

Based on available information and data, EPA has provided recommendations for RACT for MMPPC operations, including pleasure craft coating operations, in the MMPPC CTG. States can use the recommendations from the MMPPC CTG to inform their own determination as to what constitutes RACT for VOC for pleasure craft coating operations in their particular ozone nonattainment areas.

Regardless of whether a state chooses to implement the recommendations contained in the MMPPC CTG through state rules, or to issue state rules that adopt different approaches, states must submit their RACT rules to EPA for review and approval as part of the SIP process. EPA will evaluate the state's RACT rules and determine, through notice and comment rulemaking in the SIP approval process, whether the submitted rules meet the RACT requirements of the CAA and EPA's regulations. If a state proposes to adopt any of the recommendations in the MMPPC CTG into its state RACT rules, interested parties can comment on and raise objections about the application of any specific RACT recommendation in the MMPPC CTG to a particular situation during the development of the state rules and EPA's SIP approval process.

Should you have further questions, please contact Kaye Whitfield of my staff at 919-541-2509 or [whitfield.kaye@epa.gov](mailto:whitfield.kaye@epa.gov).



OAR-10-000-7927

OAQPS/SPPD/NRCG:KWhitfield/jrogers(x14487):RTP/E143-  
03/042310/F:JRoger08/KWhitfield/ OAR100007927MMPPC Response Steve Page – Kaye  
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Coordinated with AQP.D.