



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Steve McNally
Composites Fabricators Associations
1655 North Fort Myer Drive, Suite 510
Arlington, Virginia 22209-2022

Dear Mr. McNally:

Thank you for your letter of December 16, 1998, requesting that the Office of Compliance and Enforcement Assurance (OECA) evaluate and comment on the enforceability of the control spraying program proposed by the Composites Fabricators Association (CFA). This letter provides the CFA a written response based on the discussions during the December 9, 1998, meeting; an analysis of the materials CFA submitted on the control spraying program and its enforceability; and a review of other Agency-related materials. We have coordinated this response with the Office of Air Quality Planning and Standards (OAQPS).

It is OECA's understanding that CFA has made this request because it proposes that the control spraying program be added to the list of emission reduction techniques being considered for meeting the maximum "point values" specified in the proposed approach of the current draft of the Maximum Achievable Control Technology (MACT) standard for open molding sources within the reinforced plastics composites industry sector. The proposed MACT approach uses a point value limit within each open molding subcategory grouping to determine the extent to which emission reduction techniques are employed and their combined effectiveness. Therefore, industry is requesting emission reduction credits for sources implementing the proposed CFA control spraying program.

Based on our analysis of all the information available, the Agency's position continues to be, as stated during the December 9 meeting, that the control spraying program would not be *practically* enforceable, as discussed below.

- The control spraying program techniques have many variabilities including product surface areas, skill levels of spray technicians, percent of transfer efficiency during spraying, the use of the lowest spray gun pressure, the use of a proper fan pattern, and the effectiveness of the flanges.
- There is not a practical way to quantify emission reductions which is necessary to issue credits, nor a practical way to demonstrate continuous compliance.

- The additional monitoring, recordkeeping and reporting requirements that would be necessary to make the proposed spray program techniques enforceable would be prohibitively costly to both the industry and the regulators.
 - ◇ On-site surveillance would be an effective tool in demonstrating compliance only if conducted by a third independent party not associated with a facility. In our estimation, having third party on-site surveillance of work areas on a continuous basis would be too expensive for industry, particularly small businesses.
 - ◇ The burden associated with maintaining sufficiently detailed records for review by inspectors also would be costly to industry, especially small businesses, and inconsistent with the goals of the Paperwork Reduction Act. Furthermore, even when regulators conduct frequent, periodic, unannounced inspections and reviews of detailed facility records, the Agency has no assurance that compliance is being achieved continuously.

Below is a detailed explanation of our evaluation of the proposed CFA program.

Analysis of the Control Spraying Program Techniques:

Provide Training:

As indicated in the December 9 meeting, training is a work practice standard that has been incorporated in other rules (e.g., the National Emission Standards (NESHAP) for Wood Furniture Manufacturing); however, it has been added as a supplement to an emission limit. To make this program technique practically enforceable such that it would be eligible for a quantifiable credit, we would need assurance that the technician is adequately conducting all of the required steps and spraying properly on a continuous basis. As stated earlier, the requirement of on-site surveillance by a third independent party would be costly. Further, even when a source has third party on-site surveillance of work areas on a continuous basis to ensure that technicians are following all of the proper steps, the transfer efficiency among spray technicians could still vary significantly. Our experience working with state technical assistance providers indicates that there is considerable transfer efficiency variability among spray technicians prior to and even after they have taken spray techniques training. Furthermore, periodic unannounced inspections and the review of facility records will not provide regulators the assurance that compliance is being achieved continuously.

Use of Flanges:

For this program technique to be sufficiently enforceable such that it would be eligible for a quantifiable credit, we need assurance that the flanges are properly installed

every time there is a new product being sprayed and are effectively controlling overspray on a continuous basis. To ensure continuous compliance, on-site surveillance by a third independent party would be necessary. As mentioned above, we believe that the option of having third independent party on-site surveillance to monitor installation and effectiveness of flanges on a continuous basis would be costly, especially for small businesses. Furthermore, periodic unannounced inspections and review of facility records will not provide regulators the assurance that compliance is being achieved continuously.

Determination of Lowest Spray Gun Pressure:

For this program technique to be sufficiently enforceable such that it would be eligible for a quantifiable credit, we would have to ensure that technicians calibrate the spray guns properly and use the lowest optimal spray gun pressure on a continuous basis. However, we believe that it would be difficult for a facility to demonstrate that technicians are using the lowest optimal spray gun pressure on a continuous basis since recording the use of a proper fan pattern does not necessarily indicate the use of the optimal lowest pressure. As with the previous program techniques, we estimate that the option of on-site surveillance on a continuous basis by a third independent party is unreasonable. Furthermore, even when regulators may conduct periodic unannounced inspections and review detailed facility records, this activity still does not provide sufficient assurance that compliance is being achieved continuously.

Other MACT-Related Issues Raised by CFA:

Statutory Obligations:

The Agency has been working with industry in the development of the MACT standard for the reinforced plastic composites industry sector to ensure that it meets all of its statutory requirements associated with the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and the Clean Air Act. We are continuing to evaluate our proposed approach of the current draft MACT standard to identify and evaluate the appropriateness and enforceability of all of the possible options. For example, based on our discussions with industry, we have added some flexibility into the open molding subcategory of the proposed approach to the current draft MACT standard. This includes: 1) defining product/process groupings within open molding; 2) averaging resin with gel coat; and 3) using 12 month rolling averaging in meeting the point value limits for open molding. The Agency appreciates CFA's continued assistance in our effort to develop a MACT standard for the sector that takes into consideration impacts to small businesses and minimizes the resource burden to the industry.

Use of Work Practices in Other Rules Including the Wood Furniture NESHAP:

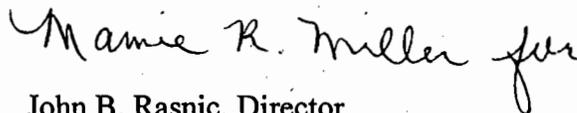
OECA supports the incorporation of work practice standards in new rules as a supplement to emission limit standards, since they are best management practices that can assist industry in achieving compliance with the general duty to minimize emissions, a duty which is difficult to quantify. We cannot support, however, work practices being included as a means for credit on emission reductions in lieu of other more quantifiable requirements because of the difficulty in practically enforcing some practices and quantifying emission reductions from their implementation.

There are several surface coating rules that incorporate work practices as a supplement to an emission limit. An example of a surface coating rule, as we mentioned at the December 9 meeting, is the NESHAP for Wood Furniture Manufacturing that incorporates work practice standards (e.g., training) to encourage the use of less materials and more effective operations resulting in less pollutant emissions. Examples of other surface coating rules are the Shipbuilding and Ship Repair NESHAP that incorporates work practices to encourage good waste handling and transfer practices to minimize spills, and the New Source Performance Standards (NSPS) for Surface Coating of Metal Furniture that incorporates work practices to optimize industry operations through monitoring of key operating parameters. These examples show that the Agency, in coordination with industry, has incorporated best management practices in rules, including surface coating rules. However, in none of these rules have the emissions reductions resulting from work practices been included as credits in averaging schemes or substituted for more quantifiable emission reduction requirements.

In conclusion, OECA has determined that the proposed CFA control spraying program, a best management work practice, is not practically enforceable due to the many variabilities in the program techniques, and the resources and burdens associated with the additional monitoring, recordkeeping and reporting requirements needed to overcome some of the variabilities.

If you have any questions, please feel free to contact Maria Malave at 202-564-7027 or Charlie Garlow at 202-564-1088.

Sincerely,



John B. Rasnic, Director
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Office of Compliance

cc: Mamie Miller, Branch Chief, METD
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