

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 1106

Rule Title: Marine Coating Operations

Date Adopted or Amended: Amended October 23, 2006

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

| <u>Attached</u> | <u>Not Attached</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C) |

SIP COMPLETENESS CHECKLIST
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*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule. |

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 1106 Date Adopted/Amended/Rescinded: Amended October 23, 2006Rule Title(s): Marine Coating OperationsDate Submitted to ARB: January 4, 2007If an Amended Rule, Date Last Amended (or Adopted): Adopted August 28, 2006Is the Rule Intended to be sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Tracy Walters Phone Number: (760) 245-1661 x6122 E-mail Address: twalters@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended Rule

The MDAQMD amended Rule 1106 – Marine Coating Operations to include changes in response to substantive comments from USEPA that were not included in the original rule adoption. These changes include updating certain definitions, updating certain rule citations, and modification of language in the requirements for "Compliance Assurance Monitoring".

Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS**

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: ☒ Increase (See Staff Report) ☐ Decrease ☐ N/AEmission Reduction Commitment in SIP for this Source Category: ØInventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate (Provide information on as many years as possible):

N/A

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☒ Nonattainment ☐ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: 6

Percent in Nonattainment Area: 66%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: N/A%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☒ Yes ☐ No

If Yes, Those Limits are in Section(s) C of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: N/A

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): C Work Practice Standards in Section(s): C

Recordkeeping Requirements in Section(s): D Reporting Requirements in Section(s): D

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: N/A

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 13

DATE: October 23, 2006

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 1106 – *Marine Coating Operations*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt a Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 1106 and directing staff actions.

SUMMARY: The Mojave Desert Air Quality Management District (MDAQMD) is proposing to amend Rule 1106 – *Marine Coating Operations* to include changes in response to substantive comments from United States Environmental Protection Agency (USEPA) that could not be properly included in the original rule adoption.


CONFLICT OF INTEREST: None

BACKGROUND: The MDAQMD has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

The MDAQMD originally adopted Rule 1106 – *Marine Coating Operations* on August 28, 2006 to satisfy the requirements of various State and Federal regulations (42 U.S.C. §§7401 et seq.; 42 U.S.C. §7511a(b)(2), FCAA 182(b)(2); 62 FR 44672, Aug 22, 1997; 66 FR 44218, Aug. 22, 2001; 60 FR 64330, Dec. 15, 1995). The MDAQMD is now proposing to amend Rule 1106 – *Marine Coating Operations* to include changes in response to substantive comments from USEPA that were not included in the original rule adoption. These changes include updating certain definitions, updating certain rule citations, and modification of language in the requirements for “Compliance Assurance Monitoring”.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1106 pursuant to the requirements of CEQA.

Cc: Tracy Walters

I, MICHELE BAIRD, CLERK OF THE BOARD OF THE
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
HEREBY CERTIFY THE FOREGOING TO BE A FULL, TRUE
AND CORRECT COPY OF DOCUMENT(S) AS THE SAME
APPEARS IN THE FILES OF THE CLERK OF THE BOARD.
 CLERK OF THE BOARD
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 13

PAGE 2

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, Deputy District Counsel as to legal form and by Eldon Heaston, Executive Director on October 5, 2006.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Executive Director.

ACTION OF THE GOVERNING BOARD

APPROVED AND ADOPTED

Upon Motion by **ROY WILSON**, Seconded by **BARBARA RIORDAN**, as approved by the following roll call vote:

**Ayes: 10 LEONE, SAGONA, GLASPER, VALENTINE, WILSON,
 PACK, BENTON, HANSBERGER, CRAIN, RIORDAN**

Noes:

Absent: 4 BIANE, CURRAN, ROTHSCHILD, POSTMUS

Abstain:

Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

BY 

Dated: OCTOBER 23, 2006

Ref: Resolution #06-10 titled, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1106 – MARINE COATING OPERATIONS AND DIRECTING STAFF ACTIONS".

RESOLUTION 06-10

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1106 – MARINE COATING OPERATIONS AND DIRECTING STAFF ACTIONS.

On October 23, 2006, on motion by Member **WILSON**, seconded by Member **RIORDAN**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the MDAQMD originally adopted Rule 1106 – *Marine Coating Operations* to satisfy the requirements of various State and Federal regulations for Reasonable Available Control Technology (RACT); and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment of ozone and classified as moderate and above to adopt and maintain RACT rules to control the emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NOx) for categories which the United States Environmental Protection Agency (USEPA) has adopted a Control Techniques Guideline (CTG) or Alternative Control Techniques Guideline (ACT) and for all categories where there are major stationary sources of air pollution (42 U.S.C §7511a(b), FCAA 182(b)(2); and

WHEREAS, for the purposes of the FCAA, portions of the MDAQMD have been designated non-attainment for ozone and classified as moderate; and

WHEREAS, USEPA has promulgated “Consumer and Commercial Products: Wood Furniture, Aerospace, and Shipbuilding and Ship Repair Coatings: Control Techniques Guidelines (CTG) in Lieu of Regulations (62 FR 44672) which apply in part to the source category of boat and ship manufacturing; and

WHEREAS, USEPA has also adopted a “National Emission Standards for Hazardous Air Pollutants for Ship Building and Ship Repair (Surface Coating) Operations (60 FR 64330) which also applies to this source category; and

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RESOLUTION 06-10

1 **WHEREAS**, the MDAQMD is now proposing to amend Rule 1106 – *Marine Coating Operations*
2 to include changes in response to substantive comments from the USEPA that were not included in the
3 original rule adoption; and

4 **WHEREAS**, these changes include updating certain definitions, updating certain rule citations,
5 and modification of language in the requirements for “Compliance Assurance Monitoring”; and

6 **WHEREAS**, the MDAQMD has the authority pursuant to H & S Code §40702 to amend rules
7 and regulations; and

8 **WHEREAS**, the proposed amendments are clear in that the meaning can be easily understood by
9 the persons impacted by the Rule; and

10 **WHEREAS**, the proposed amendments are in harmony with, and not in conflict with, or
11 contradictory to existing statutes, court decisions, or State or federal regulations; and

12 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing
13 State or federal regulations because State and Federal law requires the adoption and implementation of
14 this rule; and

15 **WHEREAS**, the proposed amendments are needed to address substantive USEPA comments; and

16 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S Code
17 §40725, concerning the proposed amendments to Rule 1106 and

18 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
19 proposed amendments to Rule 1106, completed in compliance with the California Environmental Quality
20 Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and
21 approved the information contained therein prior to acting on the proposed amendments to Rule 1106, and
22 the MDAQMD Board having determined that the proposed amendments will not have any potential for
23 resulting in any adverse impact upon the environment; and

24 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

25 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD finds
26 that the proposed amendments to Rule 1106 – *Marine Coating Operations* are necessary, authorized,
27 clear, consistent, non-duplicative and properly referenced; and

28 //


1 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes a
2 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
3 Exemption for the proposed amendments to Rule 1106; and

7 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
8 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
9 of CEQA.

12 AYES: 10 MEMBER: LEONE, SAGONA, GLASPER, VALENTINE, WILSON, PACK,
BENTON, HANSBERGER, CRAIN, RIORDAN

ABSENT: 4 MEMBER: BIANE, CURRAN ROTHSCHILD, POSTMUS

17 STATE OF CALIFORNIA)
18) SS:
19 COUNTY OF SAN BERNARDINO)

23 
24 Clerk of the Governing Board,
Mojave Desert Air Quality Management District.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 4

DATE: September 25, 2006

RECOMMENDATION: Set date of October 23, 2006 to conduct a public hearing to consider the amendment of Rule 1106 – *Marine Coating Operations* and approval of CEQA documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the amendment of Rule 1106. Rule 1106 is proposed for amendment to address United States Environmental Protection Agency (USEPA) comments.

CONFLICT OF INTEREST: None

BACKGROUND: The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations

The MDAQMD originally adopted Rule 1106 – *Marine Coating Operations* on August 28, 2006 to satisfy the requirements of various State and Federal regulations (42 U.S.C. §§7401 et seq.; 42 U.S.C. §7511a(b)(2), FCAA 182(b)(2); 62 FR 44672, Aug 22, 1997; 66 FR 44218, Aug. 22, 2001; 60 FR 64330, Dec. 15, 1995). The MDAQMD is now proposing to amend Rule 1106 – *Marine Coating Operations* to include changes in response to substantive comments from USEPA that were not included in the original rule adoption. These changes include updating certain definitions and modification of language in the requirements for “Compliance Assurance Monitoring”.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1106 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

Cc: Tracy Walters

I, MICHELE BAIRD, CLERK OF THE GOVERNING BOARD OF
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A
FULL, TRUE AND CORRECT COPY OF THE RECORD OF
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL
MINUTES OF SAID GOVERNING BOARD MEETING
CLERK OF THE BOARD
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 4

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REVIEW BY OTHERS: This item was reviewed by Karen Nowak, Deputy District Counsel as to legal form and by Eldon Heaston, Executive Director on August 30, 2006.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Executive Director.

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **DAWN BENTON**, Seconded by **ED PACK**, as approved by the following roll call vote:

Ayes: **10** **LEONE, SAGONA, GLASPER, VALENTINE, ROTHSCHILD
CURRAN, POSTMUS, PACK, BENTON, WILSON**

Noes:

Absent: **4** **HANSBERGER, CRAIN, BIANE, RIORDAN**

Abstain:

Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

BY 

Dated: SEPTEMBER 25, 2006

Rule 1106

Marine Coating Operations

(A) General

(1) Purpose

- (a) The purpose of this Rule is to limit the emissions of Volatile Organic Compounds (VOC's) from Marine Coatings Operations.

(2) Applicability

- (a) This Rule applies to all marine coating operations of both commercial boats and ships, pleasure craft and their appurtenances, and to the coating of buoys and oil drilling rigs, or their parts and components intended for the marine environments, which occur within the Mojave Desert Air Quality Management District.

(3) Exemptions

The provisions of this rule shall not apply to:

- (a) The use of aerosol coating products.
 - (b) Facilities whose rate per day of coating use is less than one gallon, including any VOC-containing materials added to the original coating as supplied by the manufacturer. Only coatings subject to this rule shall be included in the calculation of rate per day, or; coating application operations that emit not more than 3 pounds of VOC's per day and not more than 200 pounds of VOC's per calendar year.
 - (c) Marine coatings applied to interior surfaces of potable water containers.
 - (d) Touch-up coatings.
- (4) Any coating, coating operation, or facility which is exempt from all or a portion of the VOC limits of this Rule shall comply with the applicable provisions of Rules 1114, 1115 and 442.

(B) Definitions

For the purpose of this rule the following definitions shall apply:

- (1) Adhesive – Any substance that is used to bond one surface to another surface by attachment.
- (2) Aerosol Coating Product – A hand-held, non-refillable container that expels pressurized materials by means of a propellant-induced force.

- (3) Air-Dried Coating – Any coating that is not heated above 90°C (194°F) for the purpose of curing or drying.
- (4) Air Flask Coating – A coating applied to the interior surfaces of high pressure breathing air flasks to provide corrosion resistance and which is certified safe for use with breathing air supplies.
- (5) Antenna Coating – Any coating applied to equipment and associated structural appurtenances that are used to receive or transmit electronic signals.
- (6) Antifoulant Coating – Any coating applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and is registered with the United States Environmental Protection Agency (USEPA) as a pesticide.
- (7) As Applied – The condition of a coating at the time of application to the substrate, including any thinning solvent.
- (8) As Supplied – The condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.
- (9) Baked-Coating – Any coating that is cured at a temperature at or above 90°C (194°F).
- (10) Clear Topcoat – A final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Includes but is not limited to varnishes.
- (11) Clear Wood Finishes – Clear and semi-transparent topcoats applied to wood substrates to provide a transparent or translucent film.
- (12) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect convey a message, or minimize detection of such surface. “Coating” includes, but is not limited to, materials such as topcoats, stains, sealers, fillers, conversion varnish, pigmented coating, multicolored coating, moldseal coating, washcoat and toner.
- (13) “Compliance Assurance Monitoring” – Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with control device efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.
- (14) District – The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.
- (15) Elastomeric Adhesive – Any adhesive containing natural or synthetic rubber.
- (16) Exempt Compound – Those compounds listed in 40 CFR 51.100(S)(1).

- (17) Extreme High Gloss Coating – A coating that achieves at least a 95% reflectance on a 60° meter when tested by ASTM Method D-523.
- (18) Extreme Performance Coating – A coating that is used on a metal surface where the coated surface, in its intended use, is acutely and chronically exposed to salt water, corrosives, caustics, acids, oxidizing agents, wind or ocean driven debris or electromagnetic pulse.
- (19) Finish Primer/Surfacer – A coating applied with a wet film thickness of less than 10 mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.
- (20) General Use Coating – A general use coating is any marine coating that is not a specialty coating, or does not have an otherwise specified limit.
- (21) "Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds" (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids, calculated using the formula in subsection (E)(1)(a).
- (22) "Grams of VOC Per Liter of Material" – The weight of VOC per volume of material, calculated using the formula found in subsection (E)(1)(b).
- (23) Heat-Resistant Coating – Any coating which during normal use must withstand temperatures of at least 204°C (400°F).
- (24) High Build Primer/Surfacer – A coating applied with a wet film thickness of 10 mils or more prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.
- (25) High-Gloss Coating – Any coating which achieves at least 85% reflectance on a 60° meter when tested by ASTM Method 523.
- (26) High Temperature Coating – Any coating which must withstand temperatures of at least 426°C (800°F).
- (27) Inorganic Zinc (high-build) Specialty Coat – A coating that contains 960 grams per liter (8 pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. (These coatings are typically applied at more than 2 mil dry film thickness.
- (28) Low Activation Interior Coating – Any coating used on interior surfaces aboard ships to minimize the activation of pigments on painted surfaces within a radiation environment.

- (29) Marine Coating – Any coating, except unsaturated polyester resin (fiberglass) coatings, containing volatile organic compounds and applied by any means to ships, boats, and their appurtenances, and to navigational aids and oil drilling rigs intended for the marine environment.
- (30) Metallic Heat-Resistant Coating – Any coating which contains more than 5 grams of metal particles per liter of coating as applied and which must withstand temperatures over 80°C (175°F).
- (31) Military Exterior Specialty Coating – Any exterior topcoat intended by the manufacturer to be applied to military vessels (including US Coast Guard) that are subject to specified chemical, biological, and radiological washdown requirements.
- (32) Mist – Any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.
- (33) Navigational Aids – Buoys or other Coast Guard waterway markers.
- (34) Non-Skid Coating – Any coating which has, as its primary purpose, the creation of traction to prevent slippage.
- (35) Nuclear Specialty Coating – Any protective coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure as tested by ASTM D4082–89, relatively easy to decontaminate as determined by ASTM D4256–89, and resistant to various chemicals to which the coatings are likely to be exposed as tested by ASTM D3912 – 80.
- (36) Organic Zinc – Any coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (8 pounds per gallon) of coating, as applied, and that is used for the expressed purpose of corrosion protection.
- (37) Overall Control Efficiency (CE) – The ratio, expressed as a percentage, of the weight of the VOC removed by the emission control system to the total weight of VOC emitted from Coating Application Operations, both measured simultaneously, calculated pursuant to the formula found in Subsection (E)(1)(c).
- (38) Pleasure Craft – Vessels which are manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for recreational purposes. The owner or operator of such vessels shall be responsible for certifying that the intended use is for recreational purposes.
- (39) Pleasure-Craft Coating – Any marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

- (40) Pretreatment Wash Primer – A coating which contains no more than 12 percent solids, by weight, and at least ½ 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.
- (41) Repair and Maintenance Thermoplastic Coating – Any resin-bearing coating, such as vinyl, chlorinated rubber, or bituminous coatings, in which the resin becomes pliable with the application of heat, and is used to recoat portions of a previously coated substrate which has sustained damage to the coating following normal operations purposes.
- (42) Rubber Camouflage – Any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.
- (43) Sealant for Wire-Sprayed Aluminum – Any coating of up to one mil (0,0001 inch) in thickness of an epoxy material which is reduced for application with an equal part of an appropriate solvent (naphtha, or ethylene glycol monoethyl ether).
- (44) Sealer – A low viscosity coating, containing binders, applied to bare wood to seal surface pores to prevent subsequent coatings from being absorbed into the wood.
- (45) Solvent Cleaning Operation – The removal of loosely held uncured adhesives, uncured inks, uncured coatings, and contaminants from parts, products, tools, machinery, equipment, and general work areas. Contaminants include, but are not limited to, dirt, soil, and grease. In a cleaning process that consists of a series of cleaning methods, each distinct method shall constitute a separate cleaning operation.
- (46) “South Coast Air Quality Management District” (SCAQMD) – The air quality district created pursuant to Division 26, Part 3, Chapter 5.5 of the California Health and Safety Code (commencing with §40400).
- (47) Special Marking Coating – Any coating used for items such as flight decks, ship’s numbers, and other safety/identification applications.
- (48) Specialty Interior Coating – An extreme performance coating used on interior surfaces aboard ships which has fire retardant properties and has a toxicity index of less than 0.03 in addition to existing military physical and performance requirements.
- (49) Tack Coat – An epoxy coating of up to two mils (0.002 inch) thick applied to an existing epoxy coating. The existing epoxy coating must have aged beyond the time limit specified by the manufacturer for application of the next coat.
- (50) Teak Primer – A coating applied to teak or previously oiled decks in order to improve the adhesion of a seam sealer to wood.
- (51) Topcoat – Any final coating applied to the interior or exterior of a pleasure craft. Includes but is not limited to varnishes.

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- (52) Touch-Up Coating – Any coating used to cover minor imperfections prior to shipment appearing after the main coating operation.
- (53) Underwater Weapons Systems – Any or all components of a weapons system that is launched or fired underwater.
- (54) “United States Environmental Protection Agency” (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (55) Varnishes – Clear wood topcoats formulated with various resins to dry by chemical reaction on exposure to air.
- (56) Volatile Organic Compound (VOC) – Any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and Exempt Compounds.
- (57) Weld -Through Preconstruction Primer – A specialty coating that provides corrosion protection for steel during inventory, is typically applied at less than 1 mil dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters [0.5 inch]), and does not normally require removal before applying film-building coatings, including inorganic zinc high-build coatings. When constructing new vessels, there may be a need to remove areas of weld-through preconstruction primer due to surface damage or contamination prior to application of film-building coatings.
- (58) Wire-Sprayed Aluminum – Any multi-aluminum coating applied to a steel substrate using oxygen fueled combustion spray methods.

(C) Requirements

- (1) VOC Content of Coatings
 - (a) A person shall not apply any marine coating to commercial boats or ships, pleasure craft and their appurtenances, and to buoys and oil drilling rigs or their parts and components intended for the marine environment, including any VOC-containing materials added to the original coating supplied by the manufacturer, which contains VOC in excess of the limits specified in Table 1.

Table 1
COATING LIMITS
(Grams of VOC Per Liter of Coating, Less Water and Less Exempt Compounds)

| Marine Coating Materials Categories | VOC Limit (g/liter) | |
|-------------------------------------|---------------------|-------|
| | Air-Dried | Baked |
| Air Flask | 340 | |
| Antenna | 530 | |

| | | |
|---|-----|-----|
| Antifoulant Coating – Non Pleasure Craft | 400 | |
| Antifoulant Coating – Aluminum Substrate Pleasure Craft | 560 | |
| Antifoulant Coating – Other Substrates Pleasure Craft | 330 | |
| Clear Wood Finishes – Sealers | 550 | |
| Clear Wood Finishes – Topcoats | 490 | |
| Elastomeric Adhesives with 15%, by weight, Natural or Synthetic Rubber | 730 | |
| Extreme Performance | 420 | 360 |
| Extreme High-Gloss | 490 | 420 |
| Finish Primer/Surfacer | 420 | |
| General Use | 340 | 275 |
| Heat Resistant | 420 | 360 |
| High Build Primer/Surfacer | 340 | |
| High-Gloss | 340 | 275 |
| High-Temperature | 500 | |
| Inorganic Zinc (high-build) | 340 | |
| Metallic Heat Resistant | 530 | |
| Military Exterior Specialty | 340 | |
| Mist | 610 | |
| Navigational Aids | 340 | |
| Nonskid | 340 | |
| Nuclear Specialty | 420 | |
| Organic Zinc | 360 | |
| Pretreatment Wash Primer | 780 | 780 |
| Repair and Maintenance of Thermoplastics | 550 | 550 |
| Rubber Camouflage | 340 | |
| Sealant for Wire-Sprayed Aluminum | 610 | |
| Special Marking | 490 | 490 |
| Specialty Interior | 340 | |
| Tack Coat | 610 | |
| Teak Primer | 775 | |
| Topcoats – Extreme High Gloss | 490 | |
| Topcoats – High Gloss | 420 | |
| Underwater Weapons Systems | 340 | 275 |
| Weld-through Preconstruction Primer | 340 | |

- (b) In lieu of complying with the VOC content limitations in Table 1, air pollution control equipment with a capture and control system Overall Control Efficiency of at least 85 percent, as determined pursuant to subsections (E)(2)(d) and (E)(2)(e) of this rule may be used.
- (c) Any coating, coating operation, or facility which is exempt from all or a portion of the VOC Content limits of this rule shall comply with the provisions of Rule 442, 1114 and 1115 unless compliance with the limits specified in this rule are achieved.

(2) Extreme Performance Coatings – Military Installations

- (a) The VOC limits of Table 1 shall not apply to only military installation use of an extreme performance coating which has been approved by the Air Pollution Control Officer (APCO) in writing pursuant to this subsection.
- (b) Any person seeking to use an Extreme-performance Coating in any military coating operation which is subject to the provisions of this Rule shall:
 - (i) Submit a petition to the APCO stating the performance requirements, volume of coating, and VOC level which is attainable. Such petition shall include a technical justification of the attainable VOC level and an explanation why the coating cannot meet the limits set forth in subsection (C)(1)(a).
 - (ii) If the APCO grants written approval, such petition shall be resubmitted for approval on an annual basis.
 - (iii) If the APCO grants written approval, such approval shall contain volume and VOC limit conditions.
 - (iv) Records shall be maintained pursuant to Section (D).

(3) Transfer Efficiency

A person shall not apply any coatings to marine vessels and appurtenances subject to the provisions of this Rule, unless the coating is applied with equipment properly operated according to the manufacturer's suggested guidelines, and using one of the following application methods:

- (a) Electrostatic attraction; or
- (b) High Volume Low Pressure (HVLV) spray equipment; or
- (c) Dip coat; or
- (d) Hand application methods; or
- (e) Other coating application methods as are demonstrated to have a transfer efficiency at least equal to one of the above methods, and which are used in a manner that the parameters under which they were tested are permanent features of the method. Prior to their use, such coating applications shall be approved in writing by the APCO.

(4) Prohibition of Specification

- (a) No person shall solicit or require for use or specify the application of a coating on marine vessels, or part or component thereof if such use or application results in a violation of the provisions of this Rule. The prohibition of this subsection shall apply to all written or oral contracts under the terms of which any coating which is subject to the provisions of

this rule is to be applied to any marine vessel, or part or component at any physical location within the District.

(5) Prohibition of Sale

- (a) A person shall not offer for sale or sell within the District any coating that does not meet the VOC content limits, as set forth in Table 1 of this rule. The prohibition of this section shall apply to the sale of any marine coating which will be applied at any physical location within the District, except those which are specifically exempted in subsection B (15) and (C) of this rule.

(6) Compliance Statement Requirement

- (a) The manufacturer of coatings subject to this rule shall include a designation of VOC as supplied on data sheets; including coating components, expressed in grams per liter or pounds per gallon, excluding water and Exempt Compounds.

(7) Surface Preparation and Cleanup Solvent

- (a) The requirements of this section shall apply to any person using solvent for surface preparation, cleanup, and paint removal, including paint spray equipment.
- (b) A person shall not use VOC-containing materials for the cleanup of application equipment used in marine coating operations, unless such material is collected in a closed container when not in use; and
 - (i) The application equipment is disassembled and cleaned in an enclosed system during the washing, rinsing and draining processes; or
 - (ii) The application equipment or equipment parts are cleaned in a container which is open only when being accessed for adding, cleaning, or removing application equipment or when cleaning material is being added, provided the cleaned equipment or equipment parts are drained to the container until dripping ceases; or
 - (iii) Other application equipment cleaning methods that are demonstrated to be as effective as the equipment described above in minimizing emissions of VOC to the atmosphere are used, provided that the device has been approved in writing prior to use, by the APCO.
- (c) A person shall not use VOC-containing materials for surface preparation unless:
 - (i) The material contains 200 grams or less of VOC per liter of material (1.67 pounds per gallon); or

- (ii) The material has an initial boiling point of 190°C (374°F) or greater; or
 - (iii) The material has a total VOC vapor pressure of 20 mm Hg or less, at 20°C (68°F).
- (d) A person shall use closed, nonabsorbent containers for the storage of fresh or spent solvent, and disposal of cloth, paper, or any other absorbent material used for solvent surface preparation and cleanup.

(D) Monitoring and Records

(1) Coating Records

- (a) Any person subject to section (C) or claiming exemption under section (A)(3) shall comply with the following requirements:
 - (i) The person shall maintain and have available during an inspection, a current list of Coatings in use which provides all of the Coating data necessary to evaluate compliance, including the following information, as applicable:
 1. Coating, catalyst, and reducer used.
 2. Mix ratio of components used.
 3. VOC Content of coating as applied.
 - (ii) The person shall maintain records on a daily basis including:
 1. Coating and mix ratio of components used in the coating; and
 2. Quantity of each coating applied.
 - (iii) The person shall maintain records on a daily basis showing the type and amount of solvent used for cleanup, surface preparation, and paint removal.
- (b) Notwithstanding the provisions of subsection (D)(1)(a), a person or facility which exclusively uses Coatings formulations compliant with subsection (C)(1)(a) may maintain usage records on a monthly basis.

(2) Compliance Assurance Monitoring

- (a) Each Coating Application Operation subject to subparagraph (C)(1) which is using air pollution abatement equipment to meet the control requirement shall:
 - (i) Utilize Compliance Assurance Monitoring, as approved by the APCO. Each monitoring device(s), mechanism and/or technique shall be calibrated/maintained as recommended by the manufacturer; and
 - (ii) Maintain and produce daily records of key system operating parameters and maintenance procedures which will demonstrate continuous operation and compliance of the air pollution abatement equipment during periods of emissions-producing activities. Key

system operating parameters are those necessary to ensure compliance with VOC content of coating requirements, such as temperatures, pressures and flow rates.

- (b) Compliance with subsection (C)(1) shall be determined by compliance testing as prescribed in subsection (E)(2) and/or by evaluating Compliance Assurance Monitoring data.
- (3) All records for the previous five year period maintained and produced pursuant to this Section shall be retained and available for inspection by the APCO upon request.

(E) Compliance Procedures and Test Methods

(1) Calculation Methods

- (a) Grams of VOC per liter of coating less water and less Exempt Compounds shall be determined by the following equation:

$$Gv = \frac{Ws - Ww - Wes}{Vm - Vw - Ves}$$

Where:

- Gv=Grams of VOC per liter of coating less water and less Exempt Compounds
- Ws=weight of volatile compounds in grams
- Ww=weight of water in grams
- Wes=weight of Exempt Compounds in grams
- Vm=volume of material in liters
- Vw=volume of water in liters
- Ves=volume of Exempt Compounds in liters

- (b) Grams of VOC Per Liter of Material shall be determined by the following equation:

$$Gv = \frac{Ws - Ww - Wes}{Vm}$$

Where:

- Gv=Grams of VOC per liter of coating less water and less Exempt Compounds
- Ws=weight of volatile compounds in grams
- Ww=weight of water in grams
- Wes=weight of Exempt Compounds in grams
- Vm=volume of material in liters

- (c) Overall Control Efficiency shall be determined by the following equations

$$CE = \frac{(W_c - W_a)}{W_e} \times 100$$

$$CE = \frac{[(\text{Capture Efficiency}) \times (\text{Control Device Efficiency})]}{100}$$

- (2) The following specified test methods shall be used to determine compliance with the provisions of this Rule.

- (a) Determination of VOC Content:

The VOC content of coatings, subject to the provisions of this rule shall be determined by the following methods:

- (i) United States Environmental Protection Agency (USEPA) Reference Method 24 (40 CFR 60, Appendix A) for VOC content and ASTM D4457-85, or CARB Method 432 for determination of exempt compounds. The Exempt Compound content shall be determined by SCAQMD Method 303 *Determination of Exempt Compounds* contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual; or,
- (ii) SCAQMD Method 304 – *Determination of Volatile Organic Compounds (VOC) in Various Materials* contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (iii) Exempt Perfluorocarbon Compounds: The following classes of compounds: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as Exempt Compounds for compliance with section (C), only when manufacturers specify which individual compounds are used in the coating formulation. In addition, the manufacturers shall identify the USEPA, CARB, or other approved test methods used to quantify the amount of each Exempt Compound.
- (iv) Determination of the initial boiling point of liquid containing VOC, subject to subsection (C)(1)(a), shall be conducted in accordance with ASTM D1078-86.
- (v) Calculation of total VOC vapor pressure for materials subject to subsection (C)(1)(a) shall be conducted in accordance with ASTM D2879-86. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM D3792-91 and D4457-85 and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure

- measurements obtained using ASTM D2879-86 shall be corrected for partial pressure of water and exempt compounds.
- (vi) Measurement of solvent losses from alternative application cleaning equipment subject to (C)(7)(b)(iii) shall be conducted in accordance with the South Coast Air Quality Management District's "General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems"(11/1/94).
- (b) Determination of Metal Content:
 - (i) The metal content in metallic coatings subject to the provisions of this rule shall be determined by the SCAQMD Method 311 (Analysis of Percent Metal in Metallic Coatings by Spectrographic Method) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
 - (c) Determination of Acid Content
 - (i) The acid content of coating subject to the provisions of this rule shall be determined by ASTM D1613-85 (Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products).
 - (d) Determination of Efficiency of Emission Control System
 - (i) The efficiency of the collection device of the emission control system as specified in paragraph (C)(1)(b) shall be determined by the USEPA method cited in 55 Federal Register 26865 (June 29, 1990), or any other method approved by the USEPA, the California Air Resources Board, and the District.
 - (ii) The efficiency of the control device of the emission control system as specified in paragraph (C)(1)(b) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25, 25A, or SCAQMD Method 25.1 (Determination of Total Gaseous Non-Methane Organic Emissions as Carbon) as applicable. USEPA Test Method 18, or ARB Method 422 shall be used to determine emissions of Exempt Compounds.
 - (e) Determination of Capture Efficiency
 - (i) Capture efficiency shall be determined according to the USEPA's technical document, "Guidelines for Determining Capture Efficiency" (1/9/95).
 - (f) Determination of Extreme High Gloss and High Gloss
 - (i) Gloss shall be determined by ASTM Method D-523.

(g) Determination of Transfer Efficiency

- (i) Demonstration of Transfer Efficiency of alternative application methods subject to subsection (C)(3)(e) shall be conducted in accordance with South Coast Air Quality Management District's "Spray Equipment Transfer Efficiency Test Procedure for Equipment User" (5/24/89).

(3) All test methods referenced in this section shall be the most recently approved version.

(4) Alternative Test Methods

- (a) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with any provisions of this rule may also be used after review and approval in writing by the District, CARB and USEPA.

(F) Violations

(1) Failure to comply with any provision of this Rule shall constitute a violation of the Rule.

(2) A violation of the limits contained in this Rule as determined by any one of these test methods shall constitute a violation of this Rule.

(3) When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

[SIP]

Mojave Desert
Air Quality Management District



Final
Staff Report
Proposed Amendment of
Rule 1106 – *Marine Coating Operations*

Adopted on
October 23, 2006

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STAFF REPORT

Rule 1106 – *Marine Coating Operations*

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

The MDAQMD originally adopted Rule 1106 – *Marine Coating Operations* on August 28, 2006 to satisfy the requirements of various State and Federal regulations (42 U.S.C. §§7401 et seq.; 42 U.S.C. §7511a(b)(2), FCAA 182(b)(2); 62 FR 44672, Aug 22, 1997; 66 FR 44218, Aug. 22, 2001; 60 FR 64330, Dec. 15, 1995). The MDAQMD has now amended Rule 1106 – *Marine Coating Operations* to include changes in response to substantive comments from United States Environmental Protection Agency (USEPA) that were not included in the original rule adoption. These changes include updating certain definitions, updating certain rule citations, and modification of language in the requirements for “Compliance Assurance Monitoring”.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (District) amend Rule 1106 – *Marine Coating Operations* and approve the appropriate CEQA documentation. This action is necessary to address USEPA comments.

The Governing Board of the Mojave Desert Air Quality Management District adopted the amendments to Rule 1106 – *Marine Coating Operations* on October 23, 2006.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 1106 – *Marine Coating Operations*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Non-duplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- X Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the amendments to Rule 1106. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The amendments to Rule 1106 are necessary to address substantive USEPA comments.

b. Authority:

The District has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The amendments to Rule 1106 are clear in that they are written so that the persons subject to the Rule can easily understand the meaning.

d. Consistency:

The amendments to Rule 1106 are in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions.

e. Non-duplication:

The amendments to Rule 1106 do not impose the same requirements as any existing State or Federal law or regulation because the amendments are administrative in nature in that they update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address USEPA comments.

f. Reference:

The District has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 1106 was published September 22, 2006. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the amendments to Rule 1106 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to Rule 1106 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 1106 will be included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 1106 was published September 22, 2006. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments to Rule 1106 and the accompanying draft staff report was made available to the public on September 22, 2006.

d. Notice to Specified Entities:

Copies of the proposed adoption of Rule 1106 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and USEPA on September 15, 2006 and the revised staff report was sent on September 25, 2006.

e. Public Hearing:

A public hearing to consider the amendments to Rule 1106 was held on October 23, 2006.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain Reasonably Available Control Technology (RACT) rules to control the emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) for categories which the USEPA has adopted a Control Technology Guideline (CTG) or Alternate Control Technology (ACT) and for all categories where there are major stationary sources of air pollution (42 U.S.C. §7511a(b)(2), FCAA 182(b)(2)). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified moderate, and the entire District has been classified non-attainment for PM₁₀.

The USEPA has promulgated “Consumer and Commercial Products: Wood Furniture, Aerospace, and Shipbuilding and Ship Repair Coatings: Control Techniques Guidelines in Lieu of Regulations” (62 FR 44672, Aug 22, 1997) which apply in part to the source category of boat and ship manufacturers. In addition, the USEPA has also adopted “National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing” (66 FR 44218, Aug. 22, 2001), and “National Emission Standards for Hazardous Air Pollutants for Ship Building and Ship Repair (Surface Coating) Operations” (60 FR 64330, Dec. 15, 1995) which also apply to this source category.

The District satisfied the FCAA requirement for RACT by adopting Rule 1114 – *Wood Products Coating Operations* and Rule 1115 – *Metal Parts & Products Coating Operations* and applying these rules to all source categories applying these coatings to wood and metal. However, over time RACT diverged between standard coatings operations and those coatings specifically formulated for the marine environment.

The MDAQMD originally adopted Rule 1106 – *Marine Coating Operations* on August 28, 2006 to satisfy these various State and Federal regulations. The MDAQMD has now amended Rule 1106 – *Marine Coating Operations* to include changes that address substantive comments from USEPA that were not included in the original rule adoption. These changes include updating certain definitions, updating certain rule citations, and modification of language in the requirements for “Compliance Assurance Monitoring”.

C. ECONOMIC ANALYSIS

1. General

No economic impacts are anticipated from the adoption of the amendments to Rule 1106. The amendments are administrative in nature in that they update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to reflect USEPA comments.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur. The amendments to Rule 1106 are not subject to incremental cost effectiveness calculations because they do not involve BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the amendments to Rule 1106 was determined.

1. The amendments to Rule 1106 meet the CEQA definition of “project”. They are not “ministerial” actions.
2. The amendments to Rule 1106 are exempt from CEQA review because they will not create an adverse impact on the environment. Because there is not the potential that the amendment might cause the release of additional air contaminants or create any adverse impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential environmental impacts of compliance with the amendments to Rule 1106. The amendments are administrative in nature in that they update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address USEPA comments.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The amendments to Rule 1106 – *Marine Coating Operations* are administrative in nature in that they simply update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address USEPA comments.

B. EMISSIONS

The amendments to Rule 1106 – *Marine Coating Operations* do not cause the release of additional air contaminants or create any adverse environmental impacts because they simply update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address USEPA comments.

C. CONTROL REQUIREMENTS

The amendments to Rule 1106 – *Marine Coating Operations* do not cause the release of additional air contaminants or create any adverse environmental impacts because they simply update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address USEPA comments.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the amendments to Rule 1106. Readers are encouraged to examine the *[bracketed and italicized]* notations contained in the iterated

version of the rule contained in Appendix A for notations regarding movement and modification of specific sections and subsections.

1. Section (B)(13) adds the definition for “Compliance Assurance Monitoring”.
2. Section (B)(57) adds the definition for “Weld-Through Preconstruction Primer”.
3. Section (B) has been renumbered as needed to accommodate additional definitions, and several grammatical changes have been made.
4. Section (C)(1)(b), (C)(2)(b)(iv), (D)(1)(b), and (E)(2)(a)(vi) rule citations have been updated.
5. Section (D)(2)(a)(i) changes terminology from “in a manner approved by the APCO” to “as recommended by the manufacturer” as suggested by USEPA comments.
6. Section (E)(2)(g) was added to include the test method for “Determination of Transfer Efficiency”.

E. SIP HISTORY

1. SIP History

a. SIP in the San Bernardino County Portion of MDAQMD

The August 28, 2006 version of MDAQMD Rule 1106 – *Marine Coating Operations* has been submitted as a SIP revision but due to the closeness of the submission of these amendments, we expect that the current amendments will supercede the previous submission.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation, which created the MDAQMD, allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left South Coast Air Quality Management District (SCAQMD) and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that

particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

There are two rules inherited from SCAQMD, which are contained in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD. These rules are SCAQMD Rule 1106 – Marine Coating Operations and SCAQMD 1106.1 – Pleasure Craft Coating Operations. SCAQMD Rule 1106 was originally adopted on 11/4/1988 and subsequently amended on 5/5/1989, 6/2/1989, 3/2/1990, 11/2/1990, 12/7/1990 and 8/2/1991. Presumably most of these versions were submitted as SIP revisions however, the 8/2/1991 version received a Limited Approval/Limited Disapproval from USEPA on 12/20/1993 at 40 CFR 52.220(c)(193)(i)(A)(1) (58 FR 66285). Thus the August 2, 1991 version is the version of 1106 in the SIP for the Blythe/Palo Verde Valley upon separation from SCAQMD in July of 1994. SCAQMD Rule 1106.1 was originally adopted on May 1, 1992. This version was submitted as a SIP revision and approved on 4/13/1995 at 40 CFR 52.220(c)(193)(i)(A)(6) (60 FR 18751). This is the version in the SIP for the Blythe/Palo Verde Valley because it was “SIP Pending” at the time of separation from SCAQMD.

Please note that SCAQMD has amended and submitted subsequent versions of both rules 1106 and 1106.1 after July 1, 1994. Any action on rules amended and submitted after July 1, 1994 should have no effect on the Blythe/Palo Verde Valley SIP.

The August 28, 2006 version of MDAQMD Rule 1106 – *Marine Coating Operations* has been submitted as a SIP revision but due to the closeness of the submission of these amendments, we expect that the current amendments will supercede the previous submission.

2. SIP Analysis

The District will request CARB to submit the amendments to Rule 1106 to replace the SIP versions in effect. The August 28, 2006 version of MDAQMD Rule 1106 – *Marine Coating Operations* has been submitted as a SIP revision but due to the closeness of the submission of these amendments, we expect that the current amendments will supercede the previous submission.

Rule 1106 is a RACT rule because it complies with or exceeds the requirements of the CTG and NESHAP.

Appendix “A”
Rule 1106 - *Marine Coating Operations*
Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined-out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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Rule 1106

Marine Coating Operations

(A) General

(1) Purpose

- (a) The purpose of this Rule is to limit the emissions of Volatile Organic Compounds (VOC's) from Marine Coatings Operations.

(2) Applicability

- (a) This Rule applies to all marine coating operations of both commercial boats and ships, pleasure craft and their appurtenances, and to the coating of buoys and oil drilling rigs, or their parts and components intended for the marine environments, which occur within the Mojave Desert Air Quality Management District.

(3) Exemptions

The provisions of this rule shall not apply to:

- (a) The use of aerosol coating products.
 - (b) Facilities whose rate per day of coating use is less than one gallon, including any VOC-containing materials added to the original coating as supplied by the manufacturer. Only coatings subject to this rule shall be included in the calculation of rate per day, or; coating application operations that emit not more than 3 pounds of VOC's per day and not more than 200 pounds of VOC's per calendar year.
 - (c) Marine coatings applied to interior surfaces of potable water containers.
 - (d) Touch-up coatings.
- (4) Any coating, coating operation, or facility which is exempt from all or a portion of the VOC limits of this Rule shall comply with the applicable provisions of Rules 1114, 1115 and 442.

(B) Definitions

For the purpose of this rule the following definitions shall apply:

- (1) Adhesive – Any substance that is used to bond one surface to another surface by attachment.

- (2) Aerosol Coating Product – A hand-held, non-refillable container that expels pressurized materials by means of a propellant-induced force.
- (3) Air-Dried Coating – Any coating that is not heated above 90°C (194°F) for the purpose of curing or drying.
- (4) Air Flask Coating – A coating applied to the interior surfaces of high pressure breathing air flasks to provide corrosion resistance and which is certified safe for use with breathing air supplies.
- (5) Antenna Coating – Any coating applied to equipment and associated structural appurtenances that are used to receive or transmit electronic signals.
- (6) Antifoulant Coating – Any coating applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and is registered with the [United States](#) Environmental Protection Agency ([USEPA](#)) as a pesticide.
- (7) As Applied – The condition of a coating at the time of application to the substrate, including any thinning solvent.
- (8) As Supplied – The condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.
- (9) Baked-Coating – Any coating that is cured at a temperature at or above 90°C (194°F).
- (10) Clear Topcoat – A final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Includes but is not limited to varnishes.
- (11) Clear Wood Finishes – Clear and semi-transparent topcoats applied to wood substrates to provide a transparent or translucent film.
- (12) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect convey a message, or minimize detection of such surface. “Coating” includes, but is not limited to, materials such as topcoats, stains, sealers, fillers, conversion varnish, pigmented coating, multicolored coating, moldseal coating, washcoat and toner.
- (13) “Compliance Assurance Monitoring” – Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with control device efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates. [derived from MDAQMD Rule 1114(B)(1)(j)]
- ~~(13)~~(14) District – The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.

- (~~14~~15) Elastomeric Adhesive – Any adhesive containing natural or synthetic rubber.
- (~~15~~16) Exempt Compound – Those compounds listed in 40 CFR 51.100(S)(1).
- (~~16~~17) Extreme High Gloss Coating – A coating that achieves at least a 95% reflectance on a 60° meter when tested by ASTM Method D-523.
- (~~17~~18) Extreme Performance Coating – A coating that is used on a metal surface where the coated surface, in its intended use, is acutely and chronically exposed to salt water, corrosives, caustics, acids, oxidizing agents, wind or ocean driven debris or electromagnetic pulse.
- (~~18~~19) Finish Primer/Surfacer – A coating applied with a wet film thickness of less than 10 mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.
- (~~19~~20) General Use Coating – A general use coating is any marine coating that is not a specialty coating, or does not have an otherwise specified limit.
- (~~20~~21) "Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds" (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids, calculated using the formula in subsection (E)(1)(a).
- (~~21~~22) "Grams of VOC Per Liter of Material" – The weight of VOC per volume of material, calculated using the formula found in subsection (E)(1)(b).
- (~~22~~23) Heat-Resistant Coating – Any coating which during normal use must withstand temperatures of at least 204°C (400°F).
- (~~23~~24) High Build Primer/Surfacer – A coating applied with a wet film thickness of 10 mils or more prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.
- (~~24~~25) High-Gloss Coating – Any coating which achieves at least 85% reflectance on a 60° meter when tested by ASTM Method 523.
- (~~25~~26) High Temperature Coating – Any coating which must withstand temperatures of at least 426°C (800°F).
- (~~26~~27) Inorganic Zinc (high-build) Specialty Coat – A coating that contains 960 grams per liter (8 pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. (These coatings are typically applied at more than 2 mil dry film thickness.

- (~~27~~28) Low Activation Interior Coating – Any coating used on interior surfaces aboard ships to minimize the activation of pigments on painted surfaces within a radiation environment.
- (~~28~~29) Marine Coating – Any coating, except unsaturated polyester resin (fiberglass) coatings, containing volatile organic compounds and applied by any means to ships, boats, and their appurtenances, and to navigational aids and oil drilling rigs intended for the marine environment.
- (~~29~~30) Metallic Heat-Resistant Coating – Any coating which contains more than 5 grams of metal particles per liter of coating as applied and which must withstand temperatures over 80°C (175°F).
- (~~30~~31) Military Exterior Specialty Coating – Any exterior topcoat intended by the manufacturer to be applied to military vessels (including US Coast Guard) that are subject to specified chemical, biological, and radiological washdown requirements.
- (~~31~~32) Mist – Any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.
- (~~32~~33) Navigational Aids – Buoys or other Coast Guard waterway markers.
- (~~33~~34) Non-Skid Coating – Any coating which has, as its primary purpose, the creation of traction to prevent slippage.
- (~~34~~35) Nuclear Specialty Coating – Any protective coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure as tested by ASTM D4082–89, relatively easy to decontaminate as determined by ASTM D4256–89, and resistant to various chemicals to which the coatings are likely to be exposed as tested by ASTM D3912 – 80.
- (~~35~~36) Organic Zinc – Any coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (8 pounds per gallon) of coating, as applied, and that is used for the expressed purpose of corrosion protection.
- (~~36~~37) Overall Control Efficiency (CE) – The ratio, expressed as a percentage, of the weight of the VOC removed by the emission control system to the total weight of VOC emitted from Coating Application Operations, both measured simultaneously, calculated pursuant to the formulas found in Subsection (~~FE~~E)(1)(c).
- (~~37~~38) Pleasure Craft – Vessels which are manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for

recreational purposes. The owner or operator of such vessels shall be responsible for certifying that the intended use is for recreational purposes.

- (~~38~~39) Pleasure-Craft Coating – Any marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft ~~purposes~~.
- (~~39~~40) Pretreatment Wash Primer – A coating which contains no more than 12 percent solids, by weight, and at least ½ 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.
- (~~40~~41) Repair and Maintenance Thermoplastic Coating – Any resin-bearing coating, such as vinyl, chlorinated rubber, or bituminous coatings, in which the resin becomes pliable with the application of heat, and is used to recoat portions of a previously coated substrate which has sustained damage to the coating following normal operations purposes.
- (~~41~~42) Rubber Camouflage – Any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.
- (~~42~~43) Sealant for Wire-Sprayed Aluminum – Any coating of up to one mil (0,0001 inch) in thickness of an epoxy material which is reduced for application with an equal part of an appropriate solvent (naphtha, or ethylene glycol monoethyl ether).
- (~~43~~44) Sealer – A low viscosity coating, containing binders, applied to bare wood to seal surface pores to prevent subsequent coatings from being absorbed into the wood.
- (~~44~~45) Solvent Cleaning Operation – The removal of loosely held uncured adhesives, uncured inks, uncured coatings, and contaminants from parts, products, tools, machinery, equipment, and general work areas. Contaminants include, but are not limited to, dirt, soil, and grease. In a cleaning process that consists of a series of cleaning methods, each distinct method shall constitute a separate cleaning operation.
- (~~45~~46) “South Coast Air Quality Management District” (SCAQMD) – The air quality district created pursuant to Division 26, Part 3, Chapter 5.5 of the California Health and Safety Code (commencing with §40400).
- (~~46~~47) Special Marking Coating – Any coating used for items such as flight decks, ship’s numbers, and other safety/identification applications.
- (~~47~~48) Specialty Interior Coating – An extreme performance coating used on interior surfaces aboard ships which has fire retardant properties and has a toxicity index of less than 0.03 in addition to existing military physical and performance requirements.

- (4849) Tack Coat – An epoxy coating of up to two mils (0.002 inch) thick applied to an existing epoxy coating. The existing epoxy coating must have aged beyond the time limit specified by the manufacturer for application of the next coat.
- (4950) Teak Primer – A coating applied to teak or previously oiled decks in order to improve the adhesion of a seam sealer to wood.
- (5051) Topcoat – Any final coating applied to the interior or exterior of a pleasure craft. Includes but is not limited to varnishes.
- (5152) Touch-Up Coating – Any coating used to cover minor imperfections prior to shipment appearing after the main coating operation.
- (52)(53) Underwater Weapons Systems – Any or all components of a weapons system that is launched or fired underwater.
- (53)(54) “United States Environmental Protection Agency” (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (5455) Varnishes – Clear wood topcoats formulated with various resins to dry by chemical reaction on exposure to air.
- (55)(56) Volatile Organic Compound (VOC) – Any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and Exempt Compounds.
- (57) Weld -Through Preconstruction Primer – A specialty coating that provides corrosion protection for steel during inventory, is typically applied at less than 1 mil dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters [0.5 inch]), and does not normally require removal before applying film-building coatings, including inorganic zinc high-build coatings. When constructing new vessels, there may be a need to remove areas of weld-through preconstruction primer due to surface damage or contamination prior to application of film-building coatings. [derived from 40 CFR Part 63 [AD-FRL-5335-3] RIN 2060-AD98 National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations]
- (55)(58) Wire-Sprayed Aluminum – Any multi-aluminum coating applied to a steel substrate using oxygen fueled combustion spray methods.

(C) Requirements

(1) VOC Content of Coatings

- (a) A person shall not apply any marine coating to commercial boats or ships, pleasure craft and their appurtenances, and to buoys and oil drilling rigs or

their parts and components intended for the marine environment, including any VOC-containing materials added to the original coating supplied by the manufacturer, which contains VOC in excess of the limits specified in Table 1.

Table 1
COATING LIMITS
(Grams of VOC Per Liter of Coating, Less Water and Less Exempt Compounds)

| Marine Coating Materials Categories | VOC Limit (g/liter) | |
|---|---------------------|-------|
| | Air-Dried | Baked |
| Air Flask | 340 | |
| Antenna | 530 | |
| Antifoulant Coating – Non Pleasure Craft | 400 | |
| Antifoulant Coating – Aluminum Substrate Pleasure Craft | 560 | |
| Antifoulant Coating – Other Substrates Pleasure Craft | 330 | |
| Clear Wood Finishes – Sealers | 550 | |
| Clear Wood Finishes – Topcoats | 490 | |
| Elastomeric Adhesives with 15%, by weight, Natural or Synthetic Rubber | 730 | |
| Extreme Performance | 420 | 360 |
| Extreme High-Gloss | 490 | 420 |
| Finish Primer/Surfacer | 420 | |
| General Use | 340 | 275 |
| Heat Resistant | 420 | 360 |
| High Build Primer/Surfacer | 340 | |
| High-Gloss | 340 | 275 |
| High-Temperature | 500 | |
| Inorganic Zinc (high-build) | 340 | |
| Metallic Heat Resistant | 530 | |
| Military Exterior Specialty | 340 | |
| Mist | 610 | |
| Navigational Aids | 340 | |
| Nonskid | 340 | |
| Nuclear Specialty | 420 | |
| Organic Zinc | 360 | |
| Pretreatment Wash Primer | 780 | 780 |
| Repair and Maintenance of Thermoplastics | 550 | 550 |
| Rubber Camouflage | 340 | |
| Sealant for Wire-Sprayed Aluminum | 610 | |
| Special Marking | 490 | 490 |
| Specialty Interior | 340 | |
| Tack Coat | 610 | |
| Teak Primer | 775 | |
| Topcoats – Extreme High Gloss | 490 | |

| | | |
|---|-----|-----|
| Topcoats – High Gloss | 420 | |
| Underwater Weapons Systems | 340 | 275 |
| Weld-through Precon <u>struction</u> Primer | 340 | |

(b) In lieu of complying with the VOC content limitations in Table 1, air pollution control equipment with a capture and control system Overall Control Efficiency of at least 85 percent, as determined pursuant to subsections ~~(F)(2)(a)(i)~~(E)(2)(d) and ~~(F)(2)(e)(i)~~-(E)(2)(e) of this rule may be used. *[corrected references in response to USEPA comment]*

(c) Any coating, coating operation, or facility which is exempt from all or a portion of the VOC Content limits of this rule shall comply with the provisions of Rule 442, 1114 and 1115 unless compliance with the limits specified in this rule are achieved.

(2) Extreme Performance Coatings – Military Installations

(a) The VOC limits of Table 1 shall not apply to only military installation use of an extreme performance coating which has been approved by the [Air Pollution Control Officer \(APCO\)](#) in writing pursuant to this subsection.

(b) Any person seeking to use an Extreme-performance Coating in any military coating operation which is subject to the provisions of this Rule shall:

- (i) Submit a petition to the APCO stating the performance requirements, volume of coating, and VOC level which is attainable. Such petition shall include a technical justification of the attainable VOC level and an explanation why the coating cannot meet the limits set forth in subsection (C)(1)(a).
- (ii) If the APCO grants written approval, such petition shall be resubmitted for approval on an annual basis.
- (iii) If the APCO grants written approval, such approval shall contain volume and VOC limit conditions.
- (iv) Records shall be maintained pursuant to Section ~~(E)D~~. *[updated rule reference]*

(3) Transfer Efficiency

A person shall not apply any coatings to ~~Marine~~-marine vessels and appurtenances subject to the provisions of this Rule, unless the coating is applied with equipment properly operated according to the manufacturer's suggested guidelines, and using one of the following application methods:

- (a) Electrostatic attraction; or
- (b) High Volume Low Pressure (HVLP) spray equipment; or
- (c) Dip coat; or

- (d) Hand application methods; or
 - (e) Other coating application methods as are demonstrated to have a transfer efficiency at least equal to one of the above methods, and which are used in a manner that the parameters under which they were tested are permanent features of the method. Prior to their use, such coating applications shall be approved in writing by the ~~Executive Director~~ [APCO](#).
- (4) Prohibition of Specification
 - (a) No person shall solicit or require for use or specify the application of a coating on marine vessels, or part or component thereof if such use or application results in a violation of the provisions of this Rule. The prohibition of this subsection shall apply to all written or oral contracts under the terms of which any coating which is subject to the provisions of this rule is to be applied to any marine vessel, or part or component at any physical location within the District.
- (5) Prohibition of Sale
 - (a) A person shall not offer for sale or sell within the District any coating that does not meet the VOC content limits, as set forth in Table 1 of this rule. The prohibition of this section shall apply to the sale of any marine coating which will be applied at any physical location within the District, except those which are specifically exempted in subsection B (15) and (C) of this rule.
- (6) Compliance Statement Requirement
 - (a) The manufacturer of coatings subject to this rule shall include a designation of VOC as supplied on data sheets; including coating components, expressed in grams per liter or pounds per gallon, excluding water and Exempt Compounds.
- (7) Surface Preparation and Cleanup Solvent
 - (a) The requirements of this section shall apply to any person using solvent for surface preparation, cleanup, and paint removal, including paint spray equipment.
 - (b) A person shall not use VOC-containing materials for the cleanup of application equipment used in marine coating operations, unless such material is collected in a closed container when not in use; and
 - (i) The application equipment is disassembled and cleaned in an enclosed system during the washing, rinsing and draining processes; or

- (ii) The application equipment or equipment parts are cleaned in a container which is open only when being accessed for adding, cleaning, or removing application equipment or when cleaning material is being added, provided the cleaned equipment or equipment parts are drained to the container until dripping ceases; or
 - (iii) Other application equipment cleaning methods that are demonstrated to be as effective as the equipment described above in minimizing emissions of VOC to the atmosphere are used, provided that the device has been approved in writing prior to use, by the APCO.
- (c) A person shall not use VOC-containing materials for surface preparation unless:
 - (i) The material contains 200 grams or less of VOC per liter of material (1.67 pounds per gallon); or
 - (ii) The material has an initial boiling point of 190°C (374°F) or greater; or
 - (iii) The material has a total VOC vapor pressure of 20 mm Hg or less, at 20°C (68°F).
- (d) A person shall use closed, nonabsorbent containers for the storage of fresh or spent solvent, and disposal of cloth, paper, or any other absorbent material used for solvent surface preparation and cleanup.

(D) Monitoring and Records

(1) Coating Records

- (a) Any person subject to section (C) or claiming exemption under section (A)(3) shall comply with the following requirements:
 - (i) The person shall maintain and have available during an inspection, a current list of Coatings in use which provides all of the Coating data necessary to evaluate compliance, including the following information, as applicable:
 1. Coating, catalyst, and reducer used.
 2. Mix ratio of components used.
 3. VOC Content of coating as applied.
 - (ii) The person shall maintain records on a daily basis including:
 1. Coating and mix ratio of components used in the coating; and
 2. Quantity of each coating applied.
 - (iii) The person shall maintain records on a daily basis showing the type and amount of solvent used for cleanup, surface preparation, and paint removal.

- (b) Notwithstanding the provisions of subsection ~~(E)(1)(a)~~ (D)(1)(a), a person or facility which exclusively uses Coatings formulations compliant with subsection ~~(D)(1)(a)~~ (C)(1)(a) may maintain usage records on a monthly basis. [corrected references in response to USEPA comment]

(2) Compliance Assurance Monitoring

- (a) Each Coating Application Operation subject to subparagraph (C)(1) which is using air pollution abatement equipment to meet the control requirement shall: [section (i) modified to address USEPA comment]
- (i) Utilize Compliance Assurance Monitoring, as approved by the APCO. Each monitoring device(s), mechanism and/or technique shall be calibrated/maintained ~~in a manner approved by the APCO~~ as recommended by the manufacturer; and
- (ii) Maintain and produce daily records of key system operating parameters and maintenance procedures which will demonstrate continuous operation and compliance of the air pollution abatement equipment during periods of emissions-producing activities. Key system operating parameters are those necessary to ensure compliance with VOC content of coating requirements, such as temperatures, pressures and flow rates.
- (b) Compliance with subsection (C)(1) shall be determined by compliance testing as prescribed in subsection (E)(2) and/or by evaluating Compliance Assurance Monitoring data.

- (3) All records for the previous five year period maintained and produced pursuant to this Section shall be retained and available for inspection by the APCO upon request.

(E) Compliance Procedures and Test Methods

(1) Calculation Methods

- (a) Grams of VOC per liter of coating less water and less Exempt Compounds shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where: G_v =Grams of VOC per liter of coating less water and less Exempt Compounds
 W_s =weight of volatile compounds in grams
 W_w =weight of water in grams

W_{es} =weight of Exempt Compounds in grams
 V_m =volume of material in liters
 V_w =volume of water in liters
 V_{es} =volume of Exempt Compounds in liters

- (b) Grams of VOC Per Liter of Material shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m}$$

Where: G_v =Grams of VOC per liter of coating less water and less Exempt Compounds
 W_s =weight of volatile compounds in grams
 W_w =weight of water in grams
 W_{es} =weight of Exempt Compounds in grams
 V_m =volume of material in liters

- (c) Overall Control Efficiency shall be determined by the following equations

$$CE = \frac{(W_c - W_a)}{W_e} \times 100$$

$$CE = \frac{[(\text{Capture Efficiency}) \times (\text{Control Device Efficiency})]}{100}$$

- (2) The following specified test methods shall be used to determine compliance with the provisions of this Rule.

- (a) Determination of VOC Content:

The VOC content of coatings, subject to the provisions of this rule shall be determined by the following methods:

- (i) United States Environmental Protection Agency (USEPA) Reference Method 24 (40 CFR 60, Appendix A) for VOC content and ASTM D4457-85, or CARB Method 432 for determination of exempt compounds. The Exempt Compound content shall be determined by SCAQMD Method 303 *Determination of Exempt Compounds* contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual; or,
- (ii) SCAQMD Method 304 – *Determination of Volatile Organic Compounds (VOC) in Various Materials* contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.

- (iii) Exempt Perfluorocarbon Compounds: The following classes of compounds: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as Exempt Compounds for compliance with section (C), only when manufacturers specify which individual compounds are used in the coating formulation. In addition, the manufacturers shall identify the USEPA, CARB, or other approved test methods used to quantify the amount of each Exempt Compound.
 - (iv) Determination of the initial boiling point of liquid containing VOC, subject to subsection (C)(1)(a), shall be conducted in accordance with ASTM D1078-86.
 - (v) Calculation of total VOC vapor pressure for materials subject to subsection (C)(1)(a) shall be conducted in accordance with ASTM D2879-86. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM D3792-91 and D4457-85 and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure measurements obtained using ASTM D2879-86 shall be corrected for partial pressure of water and exempt compounds.
 - (vi) Measurement of solvent losses from alternative application cleaning equipment subject to (C)(~~67~~)(b)(iii) shall be conducted in accordance with the South Coast Air Quality Management District's "General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems"(11/1/94). [\[updated rule reference\]](#)
- (b) Determination of Metal Content:
- (i) The metal content in metallic coatings subject to the provisions of this rule shall be determined by the SCAQMD Method 311 (Analysis of Percent Metal in Metallic Coatings by Spectrographic Method) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (c) Determination of Acid Content
- (i) The acid content of coating subject to the provisions of this rule shall be determined by ASTM D1613-85 (Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products).
- (d) Determination of Efficiency of Emission Control System

- (i) The efficiency of the collection device of the emission control system as specified in paragraph (C)(1)(b) shall be determined by the USEPA method cited in 55 Federal Register 26865 (June 29, 1990), or any other method approved by the USEPA, the California Air Resources Board, and the District.
- (ii) The efficiency of the control device of the emission control system as specified in paragraph (C)(1)(b) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25, 25A, or SCAQMD Method 25.1 (Determination of Total Gaseous Non-Methane Organic Emissions as Carbon) as applicable. USEPA Test Method 18, or ARB Method 422 shall be used to determine emissions of Exempt Compounds.

(e) Determination of Capture Efficiency

- (i) Capture efficiency shall be determined according to the USEPA's technical document, "Guidelines for Determining Capture Efficiency" (1/9/95).

(f) Determination of Extreme High Gloss and High Gloss

- (i) Gloss shall be determined by ASTM Method D-523.

(g) Determination of Transfer Efficiency [derived from MDAQMD Rule 1115 Section (G)(3)(a)]

- (i) Demonstration of Transfer Efficiency of alternative application methods subject to subsection (C)(3)(e) shall be conducted in accordance with South Coast Air Quality Management District's "Spray Equipment Transfer Efficiency Test Procedure for Equipment User" (5/24/89).

- (3) All test methods referenced in this section shall be the most recently approved version.

(4) Alternative Test Methods

- (a) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with any provisions of this rule may also be used after review and approval in writing by the District, CARB and USEPA.

(F) Violations

- (1) Failure to comply with any provision of this Rule shall constitute a violation of the Rule.

- (2) A violation of the limits contained in this Rule as determined by any one of these test methods shall constitute a violation of this Rule.
- (3) When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

[SIP]

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Appendix “B”
Public Notice Documents

1. Proof of Publication – Daily Press, 09/22/2006
2. Proof of Publication – Riverside Press Enterprise, 09/22/2006

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

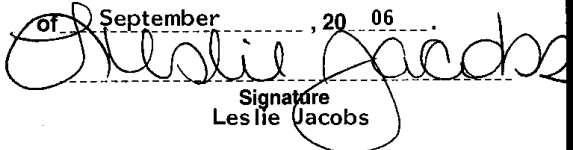
September 22

all in the year 20 06

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this 22nd day

of September, 20 06


Signature
Leslie Jacobs

LGL 202 (12/99)

This space is the County Clerk's Filing Stamp

FILED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

OCT 2 2006

BY 

Proof of Publication of

NOTICE OF HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2006 at 10:00 A.M. to consider the proposed amendment of Rule 1106 - Marine Coating Operations.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed amendment of Rule 1106 - Marine Coating Operations and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the MDAQMD Offices. Written comments may be submitted to Eldon Heaston, Executive Director at the above office address. Comments must be received no later than October 16, 2006 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The proposed amendments to Rule 1106 are necessary to update certain definitions and add clarification to the "Compliance Assurance Monitoring" section to address substantive United States Environmental Protection Agency (USEPA) comments.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Michele Baird
Clerk of the Board
Mojave Desert Air Quality Management District

Published in the Daily Press
September 22, 2006
(F-65)

THE PRESS-ENTERPRISE

3512 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)

Publication(s): Press-Enterprise

PROOF OF PUBLICATION OF

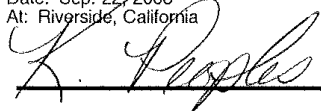
Ad Desc.: Rule 1106 - Marine Coating Oper

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09-22-06

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Sep. 22, 2006
At: Riverside, California



MOJAVE DESERT AQMD
14306 PARK AVE
ATTN: MICHELE BAIRD
VICTORVILLE CA 92392

Ad #: 8005309

PO #:

Agency #: _____

Ad Copy:

NOTICE OF HEARING
NOTICE IS HERBY
GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2006 at 10:00 A.M. to consider the proposed amendment of Rule 1106 - Marine Coating Operations.

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Michele Baird
Clerk of the Board
Mojave Desert Air Quality
Management District 9/22

FILED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

OCT 13 2006

BY 

Appendix “C”

Public Comments and Responses

1. USEPA E-Mail Comment received 08/08/2006

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RE Draft Comments on Proposed Rule 1106 (Marine Coating Operations).txt
From: Donez.Francisco@epamail.epa.gov
Sent: Tuesday, August 08, 2006 9:56 AM
To: Roseana Navarro-Brasington
Subject: RE: Draft Comments on Proposed Rule 1106 (Marine Coating Operations)

Hi Roseana:

See below for an alternative draft of comment #5 (in two parts) which would make the rule satisfactory for EPA approval. I think these changes should be relatively easy to make. Let me know what you think.

- 1 → (In case the redline-strikeouts did not come through the e-mail, comment #2 suggests removing the phrase "in a manner approved by the APCO" from the end of subsection (b)(2)(a)(i) and replacing it with the phrase "as recommended by the manufacturer.")

Is the District planning to re-open 1106 for revisions?

Best,
Francisco Dóñez
US Environmental Protection Agency (AIR-4)
75 Hawthorne Street
San Francisco, CA 94105

Tel. (415) 972-3956
Donez.Francisco@epa.gov
<http://www.epa.gov/region09/>

- 2 → 5a. Section (b)(2)(a)(i) - The term "Compliance Assurance Monitoring" is not defined. This definition should be added to Section (B).

5b. The requirements for Compliance Assurance Monitoring in this section allow for APCO discretion. The section should be revised as follows.

(2) Compliance Assurance Monitoring [derived from MDAQMD Rule 1114(F)(2)]

(a) Each Coating Application Operation subject to subparagraph (C)(1) which is using air pollution abatement equipment to meet the control requirement shall:

(i) utilize Compliance Assurance Monitoring, as approved by the APCO. Each monitoring device(s), mechanism and/or technique shall be calibrated/maintained in a manner approved by the APCO as recommended by the manufacturer;

Roseana
Navarro-Brasington
on
<rnbrasington@mdaqmd.ca.gov>

08/07/2006 04:59 PM

To
Francisco Donez/R9/USEPA/US@EPA
CC

Subject
RE: Draft Comments on Proposed
Rule 1106 (Marine Coating
Operations)

Page 1

RE Draft Comments on Proposed Rule 1106 (Marine Coating Operations).txt

Thanks Francisco. I have reviewed the draft comments with management. We shall incorporate 1, 2, 3, 4, and 6 for August 28 adoption. We would like to incorporate #5 later as a revision. Is #5 an approval item for you? Please let me know. Thanks again.

Roseana Navarro-Brasington
Transportation Programs Coordinator
MDAQMD

-----Original Message-----

From: Donez.Francisco@epamail.epa.gov
[mailto:Donez.Francisco@epamail.epa.gov]
Sent: Monday, August 07, 2006 4:29 PM
To: Roseana Navarro-Brasington
Subject: Draft Comments on Proposed Rule 1106 (Marine Coating Operations)

Dear Roseana:

Per our phone conversation this afternoon, see below for draft comments on Proposed Rule 1106 (Marine Coating Operations). Let me know if you have any questions. If the comments seem reasonable to you, I will have my supervisor officially submit them through the management chain.

Please note that I am in the office tomorrow and Wednesday morning, but will then be out until August 16.

Best,
Francisco Dóñez
US Environmental Protection Agency (AIR-4)
75 Hawthorne Street
San Francisco, CA 94105

Tel. (415) 972-3956
Donez.Francisco@epa.gov
<http://www.epa.gov/region09/>

Draft Comments on Mojave 1106 (Marine Coating Operations)

- 3 → 1. Section (C)(1)(a), Table 1 - The coating category "Weld-Through Precon Primer" is not defined. This definition should be added to Section (B).
- 4 → 2. Section (C)(1)(b) makes incorrect references to subsections (F)(2)(a)(i) and (F)(2)(e)(i). The references should be to subsections (E)(2)(d) and (E)(2)(e), respectively.
- 5 → 3. Section (C)(3)(e) - A test method for measuring transfer efficiency needs to be added to Section (E)(2). For an example, see MDAQMD Rule 1115, Section (G)(3)(a).
- 6 → 4. Section (D)(1)(b) makes incorrect references to subsections (E)(1)(a) and (D)(1)(a). The references should be to subsections (D)(1)(a) and (C)(1)(a), respectively.

Page 2

- 7 → 5. Section (D)(2)(a)(i) - The term "Compliance Assurance Monitoring" is not defined. This definition should be added to Section (B).

The requirements for Compliance Assurance Monitoring in this section are vague and constitute APCO discretion. More guidelines should be given as to the requirements for APCO approval. For example, see the language below, adapted from a draft new rule 67.6.1 (Cold Solvent Cleaning and Stripping Operations) from the San Diego APCD.

(a) A person electing to use control equipment pursuant to Subsection (C)(1)(b) shall submit to the Air Pollution Control Officer for approval an Operation and Maintenance plan for the proposed emission control and collection system and receive approval prior to operation of the control equipment. Thereafter, the plan can be modified, with Air Pollution Control Officer approval, as necessary to ensure compliance. Such a plan shall:

(i) Identify all key system operating parameters. Key system operating parameters are those necessary to ensure compliance with Subsection (C)(1)(b), such as temperature and/or pressure;

(ii) Include proposed inspection schedules, anticipated ongoing maintenance, and proposed recordkeeping practices regarding the key system operating parameters; and

(iii) Upon approval by the Air Pollution Control Officer, a person subject to the requirements of Subsection (C)(1)(b) shall implement the Operation and Maintenance plan and shall comply with all the provisions of the approved plan.

- 8 → 6. Typographical errors:

In Section (A)(2)(a), the end of the sentence should read, "...the marine environment environments which occur within the Mojave Desert Air Quality Management District."

In Section (E)(4)(a), the end of the sentence should read, "...may also be used after review and approval in writhing writing by the District, CARB and USEPA."

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District Response to USEPA comments

1. Changed terminology in section (D)(2)(a)(i) from “in a manner approved by the APCO” to “as recommended by the manufacturer” as suggested by USEPA comments.
2. Section (B)(13) adds the definition for “Compliance Assurance Monitoring”.
3. Section (B)(57) adds the definition for “Weld-Through Preconstruction Primer”.
4. Section (C)(1)(b), rule citations have been updated.
5. Section (E)(2)(g) was added to include the test method for “Determination of Transfer Efficiency”.
6. Section (D)(1)(b) rule citations have been updated.
7. Compliance Monitoring Assurance” changes were met as requested in response 1 above.
8. Typographical errors were corrected.

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Appendix “D”
California Environmental Quality Act
Documentation

1. Notice Of Exemption – San Bernardino County, 11/07/2006
2. Notice Of Exemption – Riverside County, 11/07/2006

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Mojave Desert Air Quality Management District
CLERK OF THE BOARD 14306 Park Avenue, Victorville, CA 92392-2310
May 17 2006 760.245.1661 • fax 760.245.2699
Visit our web site: <http://www.mdaqmd.org>
Eldon Heaston, Executive Director

DATE FILED & POSTED

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of Rule 1106 – *Marine Coating Operations*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendments to Rule 1106 are necessary to update certain definitions, update certain rule citations, and add clarification to the “Compliance Assurance Monitoring” section to address substantive United States Environmental Protection Agency (USEPA) comments.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: There are no potential environmental impacts of compliance with the proposed amendments to Rule 1106. The proposed amendments are administrative in nature in that they add definitions, update rule citations, and add clarification to the “Compliance Assurance Monitoring” section to reflect USEPA comments.

LEAD AGENCY CONTACT PERSON: Eldon Heaston **PHONE:** (760) 245-1661

SIGNATURE: Eldon Heaston **TITLE:** Executive Director **DATE:** 10/23/2006

DATE RECEIVED FOR FILING:

| | | | | | | | | | | |
|---------------------|-------------------------|--------------------|-------------------|---------------------|--------------------|------------------------|--------------------------------|--------------------------------|------------------------|-------------------------|
| City of Adelanto | Town of Apple Valley | City of Barstow | City of Blythe | City of Hesperia | City of Needles | County of Riverside | County of San Bernardino | City of Twentynine Palms | City of Victorville | Town of Yucca Valley |
|---------------------|-------------------------|--------------------|-------------------|---------------------|--------------------|------------------------|--------------------------------|--------------------------------|------------------------|-------------------------|



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

Filed per P.R.C. 21152
POSTED

FILED
RIVERSIDE COUNTY
NOV 07 2006

By *M. Meyer*
M. Meyer
Deputy

NOTICE OF EXEMPTION

NOV 07 2006

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

Removed
Dept
State of California

☒ MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of Rule 1106 – *Marine Coating Operations*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

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☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

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LEAD AGENCY CONTACT PERSON: Eldon Heaston **PHONE:** (760) 245-1661

SIGNATURE: *Eldon Heaston* **TITLE:** Executive Director **DATE:** 10/23/2006

DATE RECEIVED FOR FILING:

| | | | | | | | | | | |
|---------------------|-------------------------|--------------------|-------------------|---------------------|--------------------|------------------------|--------------------------------|--------------------------------|------------------------|-------------------------|
| City of Adelanto | Town of Apple Valley | City of Barstow | City of Blythe | City of Hesperia | City of Needles | County of Riverside | County of San Bernardino | City of Twentynine Palms | City of Victorville | Town of Yucca Valley |
|---------------------|-------------------------|--------------------|-------------------|---------------------|--------------------|------------------------|--------------------------------|--------------------------------|------------------------|-------------------------|

Appendix “E”

Bibliography

The following documents were consulted in the preparation of this staff report.

1. 40 CFR Part 63 [AD–FRL–5335–3] RIN 2060–AD98 National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations
2. MDAQMD Rule 1114 – *Wood Products Coating Operations*
3. MDAQMD Rule 1115 – *Metal Parts & Products Coating Operations*

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Rule in.txt

Subject:

Adoption of Amendments to MDAQMD Rule 1106 - Marine Coating Operations

From:

Tracy Walters <twalters@mdaqmd.ca.gov>

Date:

Thu, 04 Jan 2007 08:50:48 -0800

To:

"David Brown (E-mail)" <dabrown@arb.ca.gov>, "Andrew Steckel (E-mail)" <Steckel.Andrew@epamail.epa.gov>

CC:

Alan De Salvio <Adesalvio@mdaqmd.ca.gov>, Roseana Navarro-Brasington <rnbrasington@mdaqmd.ca.gov>,

Karen Nowak <k2nowak@mdaqmd.ca.gov>

The Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) amended Rule 1106 - Marine Coating Operations on October 23, 2006. Attached for your review are the following documents pertaining to the adoption:

- * Rule 1106
- * Final Staff Report
- * Proof of Publication (included in Final Staff Report, appendix B)
- * Signed Notice of Exemption, San Bernardino and Riverside Counties (included in Final Staff Report, appendix D)
- * Minute item (Set Date), Official Copy
- * Minute item, Official Copy
- * Resolution 06-10, Official Copy
- * CARB Rule Evaluation Form
- * SIP Completeness Checklist

<<MD R-1106 102306.doc>> <<MDSR1106final.pdf>> <<1106set.PDF>> <<1106minute.PDF>>
<<1106reso.PDF>> <<CARB Eval.doc>> <<SIP Checklist.doc>>

Rule 1106 is to be included in the State Implementation Plan (SIP) and therefore requires submission to USEPA. The August 28, 2006 version of MDAQMD Rule 1106 - Marine Coating Operations has been submitted as a SIP revision but due to the closeness of the submission of these amendments, we expect that the current amendments will supercede the previous submission.

Thank you for your assistance. Please don't hesitate to contact me if I can provide any additional information.

Tracy Walters

Air Quality Specialist

760-245-1661 ext. 6122

MD R-1106 102306.doc

Content-Description:

MD R-1106 102306.doc

Content-Type:

application/msword

Content-Encoding:

base64

MDSR1106final.pdf

Rule in.txt

Content-Description:
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Content-Type:
application/octet-stream
Content-Encoding:
base64

1106set.PDF

Content-Description:
1106set.PDF
Content-Type:
application/octet-stream
Content-Encoding:
base64

1106minute.PDF

Content-Description:
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Content-Encoding:
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1106reso.PDF

Content-Description:
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application/octet-stream
Content-Encoding:
base64

CARB Eval.doc

Content-Description:
CARB Eval.doc
Content-Type:
application/msword
Content-Encoding:
base64

SIP Checklist.doc

Content-Description:
SIP Checklist.doc
Content-Type:
application/msword
Content-Encoding:
base64