

Memorandum

(Stamped date on signed copy February 9, 1998)

SUBJECT: United States Navy Request for Waiver of Certain

Recordkeeping and Reporting Requirements Under the

National Emission Standards for Hazardous Air

Pollutants (NESHAP) for Shipbuilding and Ship Repair

(Surface Coating) Operations (40 CFR 63 Subpart II).

FROM: John B. Rasnic, Director

Manufacturing, Energy, and Transportation Division

Office of Compliance.

TO: See Addressees

The purpose of this memorandum is to provide further guidance regarding the recordkeeping and reporting requirements of the Shipbuilding and Ship Repair NESHAP (40 CFR 63 Subpart II) as it applies to Naval ships berthed pier side at Naval stations and submarine bases. It has already been determined by the Office of Air Quality Planning and Standards (OAQPS) that all painting activities conducted within the boundaries of an affected source must be accounted for. Thus, any painting activities conducted by a ship's crew at an affected source such as a Naval station or a submarine base are covered by the NESHAP, and are subject to the recordkeeping and reporting requirements (See the OAQPS document, *A Guidebook on How to Comply with the Shipbuilding and Ship Repair (Surface Coating) Operations National Emission Standards for Hazardous Air Pollutants*,

page 10). The Navy, however, has requested relief from these recordkeeping and reporting requirements of the NESHAP as it applies to crew painting of ships in operational status that are entering and exiting Navy ports in a regular fashion according to deployment or training schedules.

We believe such a waiver should be granted in the limited circumstances when a ship is classified as being in operational status, and maintenance painting is being conducted at that time. Pursuant to 40 CFR 63.10 (f), such a waiver may be granted by the Administrator if, in the Administrator's judgement, the affected source is achieving the relevant standard. As you know, the

authority to grant such waivers has been delegated to the Regional Administrators (SEE attached Delegation 7-124). Therefore, we offer the following background information and guidance to assist the Regions in responding to waiver requests from the Navy regarding this issue.

Background/Guidance

Pursuant to 40 CFR 63.788 (b)(3)(i), the records maintained by facilities demonstrating compliance (using the procedures described in the NESHAP, 40 CFR 63.785) must contain: (A)

Certification of the as-applied volatile organic compounds (VOC) content of each batch of coating; and (B) The volume of each coating applied. Hence all affected sources must maintain (A) and (B) above for all crew painting that occurs on all naval ships in operational status entering and exiting those affected sources in a regular fashion according to deployment or training schedules. The Navy has requested a waiver from this requirement. The Navy contends that this requirement would be overly burdensome in situations where painting is being conducted as an ancillary activity while the ship is in operational status and is berthed at a naval station that is an affected source under this NESHAP. The Navy further contends that there is no environmental benefit to maintaining records and submitting reports as the Navy uses only VOC compliant paint and has implemented a no thinning policy.

Based on our discussion with the Navy and the information we received from them, we agree that recordkeeping for crew painting of vessels in operational status would require a significant increase in time with no increase in environmental benefit. It would be extremely difficult for a shore facility manager to account for the volume of paint used by every crew on every ship in operational status which enters or exits the facility. More importantly, we feel this detailed accounting of crew painting is unnecessary in meeting the NESHAP requirements since the Navy follows two essential policies: (1) the Navy uses VOC compliant paint; and (2) a "no thinning policy" is in effect Navy-wide for crew painting.

With respect to the first policy, in its solicitations for the Navy, the General Services Administration (GSA) requires (since 1994) marine coatings that meet or exceed the NESHAP VOC content standards. The Navy's supply process ensures that only compliant coatings are acquired at the Navy Fleet Industrial Supply Center (FISC) level, and, therefore, only compliant coatings are issued to the ships (SEE the attached flow chart, *NAVY MARINE COATING CERTIFICATION DOCUMENTATION PROCESS*).

To meet the certification requirements of the NESHAP the Navy has officially requested assistance from the GSA in centrally certifying the marine coatings they procure for the Navy. The GSA has modified its solicitations for marine coatings to require that certification documentation consistent with the NESHAP, and in accordance with the January 7, 1998 letter from John B. Rasic of the EPA's Office of Compliance to Jim Sell of the National Paint and Coatings Association (SEE attached letter), be provided for each formulation of coating prior to award of a contract.

When in receipt of this certification documentation from the manufacturers, the GSA will forward the documentation to the Naval Supply Systems Command (NAVSUP). For the purposes of ensuring compliance at the facility level, NAVSUP has established a database of marine coating certifications and will distribute this on a monthly basis to the FISCs, major commands that manage NESHAP affected sources, and directly to affected sources. At each point in the supply chain GSA, NAVSUP, FISC, and Navy end users (shore activities and ship's force) can obtain database information on certified coatings procured through GSA and can verify that marine coatings in storage are certified as NESHAP compliant.

With respect to the second policy of no thinning, the Navy has indicated that they have adopted a fleet wide policy of no thinning for crew painting. The Navy has agreed to place language in their facility Implementation Plans clearly specifying that no thinning will occur during ship's crew painting. In addition, the Navy has agreed to locate a placard at all paint issuance lockers stating the following: "Thinning of any coating is strictly prohibited." If any of these policies are not being followed by an affected source, then that source is not eligible for the waiver suggested in this memorandum.

Please note, this guidance does not apply to ships in maintenance overhaul status. If there is a question as to whether a ship is classified as operational versus maintenance overhaul, and thus eligible for the waiver, the Naval facility should be able to provide documentation. If they cannot

provide sufficient documentation, the Region should assume that ship is in maintenance overhaul status. We suggest that the Region define in advance for the affected sources what information is necessary to demonstrate whether a ship is in operational status.

Based upon information provided by the Navy, the following facilities are affected by this issue, and will request a waiver from the requirements. Ship's crew painting operations on ships in operational status will primarily occur at Naval Shipyards that are affected sources. However, operational status can potentially occur at any Navy affected source and therefore, all are listed below:

Naval Shipyards

- (1) Norfolk Naval Shipyard, Norfolk, Virginia
- (2) Puget Sound Naval Shipyard, Bremerton, Washington
- (3) Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii

Other Naval Activities

- (1) Naval Station Roosevelt Roads, Puerto Rico
- (2) Naval Station Pearl Harbor, Hawaii
- (3) Naval Station San Diego, California
- (4) Naval Base Norfolk, Virginia
- (5) Naval Submarine Base New London, Connecticut
- (6) Naval Air Station North Island, San Diego, California
- (7) Intermediate Maintenance Facility Pearl Harbor, Hawaii

This guidance has been coordinated with OAQPS, the Office of General Counsel, and regional staff most affected by this issue. Please issue facility specific waivers upon request from facilities so that there is no confusion regarding this issue. If you have any questions on this guidance, please contact Anthony Raia of my staff at (202) 564-6045.

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