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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

AIR AND RADIATION ENFORCEMENT  
DIVISION  
OFFICE

SUBJECT: Boat Building - Opinion Regarding the Applicability of  
40 CFR 63, Subpart JJ, National Emission Standards for  
Hazardous Air Pollutants for Wood Furniture  
Manufacturing Operations

FROM: John B. Rasmie, Director *Thanie R. Miller for*  
Manufacturing, Energy and Transportation Division  
Office of Compliance (2223A)

TO: Winston A. Smith, Director  
Air, Pesticides, and Toxics Management Division  
Region IV (4APT-ARB)

This is in response to a letter dated December 5, 1997, in which you ask me to determine the applicability of 40 CFR 63, Subpart JJ, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Wood Furniture Manufacturing Operations, to the Hunter Marine Corporation (Hunter Marine) fiberglass boat manufacturing facility located in Alachua, Florida. Process operations at the site include the fabrication of boat decks, hulls and fiberglass reinforced parts; the grinding and sanding of rough surfaces; the coating of hulls with antifouling paint; the manufacture of wood furniture (e.g., galleys, settees, bunks, storage cabinets) and components for installation on boats manufactured by Hunter Marine; and the final assembly of the decks and hulls to form the completed boat.

As you are aware, the authority to develop applicability determinations has been delegated to the Regions (see Delegations Manual, Chapter 7, Section 124). Therefore, we offer the following guidance to you in issuing a formal response to Hunter Marine.

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After reviewing your request, we agree that Subpart JJ applies to ship furniture made of wood. Section 63.801 of the rule defines wood furniture to specifically include ship furniture which is covered by SIC code 2599. However, we do not believe that this SIC code extends to boat furniture. Although the terms "ships" and "boats" are often used synonymously, we believe that in practice the two are not equivalent and can be distinguished from one another. This distinction is consistent with the 1987 Department of Commerce, "Standard Industrial Classification (SIC) Manual," which segregates activities related to ships and boats into different categories.

This distinction is also consistent with Environmental Protection Agency (EPA) programs that differentiate between "ships" and "boats." For example, the MACT standard for ship building and repair at 40 CFR 63, Subpart II, defines "ship" as "...any marine or fresh-water vessel used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). This definition includes, but is not limited to, all military and Coast Guard vessels, commercial cargo and passenger (cruise) ships, ferries, barges, tankers, container ships, patrol and pilot boats, and dredges. For purposes of this subpart, pleasure crafts and off-shore oil and gas drilling platforms are not considered ships." Pleasure craft is defined as "...any marine or fresh-water vessel used by individuals for noncommercial, nonmilitary, and recreational purposes that is less than 20 meters in length. A vessel rented exclusively to or chartered by individuals for such purposes is be considered a pleasure craft."

In the absence of a definition of ship furniture in Subpart JJ, the above definitions may be useful in differentiating between "ships" and "boats" when evaluating whether Subpart JJ applies. Please note, the use of this definition does not in any way affect future rule-making activities, including the boat building MACT standard now under development.

Furthermore, based upon the background materials provided by the National Marine Manufacturers Association (NMMA), much of the wood furniture built for boats (e.g., galleys, settees, bunks, storage cabinets) is integral to the boat cabin and thus actually part of the cabin. Boat cabins are covered by SIC code 2452 and given the subclassification of 2452001 in the industry coding

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instructions for the 1987 SIC Manual. SIC code 2452 is not one of the covered SIC codes listed in the Subpart JJ definition of wood furniture.

Therefore, we have concluded that Subpart JJ does not apply to the manufacture of wood boat furniture. In discussing this issue with the Office of Air Quality Planning and Standards (OAQPS), they acknowledge that the manufacture of wooden cabinets, drawers, galleys, settees and counters for boats are potential sources of hazardous air pollutants. Hence, they intend to study this aspect of boat manufacturing when they develop the MACT standard for boats.

This response has been coordinated with Jon Devine, Office of General Counsel; Paul Almodovar and Madeline Strum of OAQPS; and Richard Biondi, Office of Regulatory Enforcement. If you have any questions or comments regarding this matter, please contact Robert C. Marshall, Jr. at (202) 564-7021.

cc: Richard Biondi (2242A)  
Paul Almodovar (MD-13)  
Madeline Strum (MD-13)

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