

NATIONAL
MARINE

MANUFACTURERS
ASSOCIATION

MEMORANDUM

TO: NABM Boatbuilder Members

FROM: Jeff Napier, President

DATE: September 8, 1994

RE: EPA Cites Boat Builders for Hazardous Waste Violation

The Florida Department of Environmental Protection has cited several boat builders for treating a hazardous waste (DOO1, high total organic carbon TOC) using a treatment technology that is not approved. Boat builders generate residual polyester waste through the cleaning of 55-gallon drums. In it's liquid state polyester resin is an ignitable hazardous waste. Boat builders add MEKP in a process known as "kicking off" to solidify the mixture, thus making it non-hazardous. The resulting non hazardous waste is then disposed of in the dumpster. EPA has a problem with this. EPA only accepts three treatment technologies to handle TOC. They are incineration, organic recovery and fuel blending. Deactivation or "kicking off" is not an approved treatment technology.

NMMA has investigated this problem and is recommending a two part solution for the industry. First, NMMA recommends that members investigate waste resin disposal practices at their plants to determine how it is currently being managed. If you are treating this waste using deactivation, NMMA recommends using "kicked off" material to manufacturer a useable product. An example of a useable product for waste polyester resin is parking lot bumpers. The parking lot bumpers can then either be used around the plant. The purpose is not to treat a hazardous waste but rather produce a useable product, thus not triggering RCRA hazardous waste regulations.

In the long term, NMMA plans to ask EPA to add deactivation to the list of approved treatment technologies. The caveat will be that boatbuilders must have adopted pollution prevention techniques for handling this hazardous waste, but would like an alternative more cost effective treatment technology in case the waste material for some reason becomes unusable.

If you have any questions or comments regarding these issue don't hesitate to call John McKnight, Environmental Compliance Manager, at our Washington DC office 202-944-4980.



NATIONAL MARINE

MANUFACTURERS ASSOCIATION

January 16, 1995

Carol Browner, Administrator
Environmental Protection Agency
401 M St. SW
Washington DC 20460

Dear Ms. Browner,

On behalf of it's members, the National Marine Manufacturers Association (NMMA) is requesting EPA to consider adding deactivation, as a RCRA technology based standard, for treatment of D001 Total Organic Carbon (TOC)(40 CFR 268.42 Table 2). The current technology based standard limits treatment to incineration, organic recovery, and fuel substitution. NMMA is specifically concerned with treating waste polyester resin generated in small quantities during the production of fiberglass reinforced plastic recreational boats.

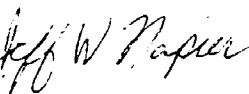
Several of our members, who happen to be small businesses, have recently faced enforcement action in Florida for using deactivation technology to treat waste polyester resin. Boatbuilders were simply catalyzing this ignitable waste using methyl ethyl ketone peroxide (MEKP) rendering it non-hazardous and suitable for land disposal.

NMMA has since educated it's members as to the approved treatment technologies, but we are interested in working with EPA staff to add deactivation as an alternative. NMMA feels that this modification will improve safety by eliminating the need for long term storage and also improve the handling of this ignitable waste. In addition to the safety incentives, this logical alternative, will allow boatbuilders to better utilize their limited resources.

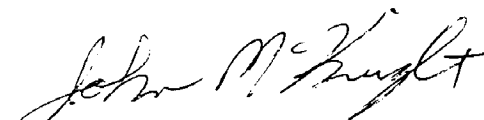
NMMA members manufacture over 80 % of the recreational boats and related products in the US and are interested in learning more about the rulemaking petition process and supplying you with any data you may need to consider this treatment technology.

Thank you for considering this important petition. We look forward to hearing from you.

Sincerely,



Jeff Napier,
President



John McKnight, Manager
Environmental Compliance



National Marine Manufacturers Association Petition to USEPA to Amend a Rulemaking

The following information, necessary to petition the EPA on a rulemaking, was taken from the Code of Federal Regulations (40 CFR 260.20)

1. Petitioner's Name and Address

National Marine Manufacturers Association
Washington Harbor
3050 K St. N.W., Suite 145
Washington DC 20007

2. Statement of Petitioner's Interest

NMMA represents over 600 of America's major boat manufacturers, which collectively produce about 80% of the recreational boats built in this country.

NMMA and its members are committed to conducting their operations in an environmentally responsible manner. Over the last several years, boat manufacturers have devoted substantial resources in an effort to ensure that they are in compliance with all applicable environmental regulations. We have also worked with EPA on the implementation of several important regulatory programs. In each case, we have appreciated the EPA's willingness to understand and address the concerns raised by the boat manufacturing industry.

The vast majority of recreational boats in the United States are constructed of fiberglass, which is manufactured with a polyester / styrene resin and a catalyst, usually methyl ethyl ketone peroxide (MEKP). In its raw form polyester / styrene resin is characterized as a D001 ignitable (flash point < 140 oF). The resin is subcategorized as high TOC ignitable greater than or equal to 10% total organic carbon. This subcategory limits the hazardous waste treatment to fuel substitution (FSUBS), organic recovery (RORGS), or incineration (INCIN). 40 CFR 268.42, Table 2)

The approved EPA treatment technologies are neither the most effective or economical methods for treating this waste. NMMA is petitioning EPA to add deactivation to the list of approved treatment technologies for handling this waste. Deactivation would basically consist of adding MEKP to polyester / styrene waste in the same quantity it is added in production. MEKP solidifies the resin rendering it non hazardous. The resulting material is the same material that is

contained in fiberglass shower stalls and boats.

3. A Description of the Proposed Action

NMMA recommends that Deactivation be added for TOC in 40 CFR 268.42 Table 2.

Deactivation as defined " to remove the hazardous characteristics of a waste due to ignitability, corrosivity, and / or reactivity" is synomynous with adding MEKP to polyester / styrene resin.

4. Statement of Need

The EPA approved treatment technologies are neither the safest, most effective, or economical methods for treating this waste. Fiberglass boatbuilders generate small quantities of this waste through cleaning 55 gallon drums. It behooves them to use as much material as they can or use this waste to make a usable product. Under the current regulations a boatbuilder cannot even make a usable product, for instance parking lot bumpers, unless he can prove it has a commercial value and is not simply trying to avoid using an approved treatment. In addition , where a small quantity is generated, for instance two gallons per week, a boatbuilder must now handle and store this material in it's ignitable form until a sufficient amount is accumulated to properly transport it to be treated offsite. This is an unnecessary waste of resources.