



INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION

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September 24, 2009

Hon. Dennis Yates

Chairman

Stationary Source Committee

South Coast Air Quality Management District

21865 Copley Drive

Diamond Bar, California 91765

Re: Rule 1144 – Vanishing Oils & Rust Inhibitors

Dear Mayor Yates:

The Independent Lubricant Manufacturers Association (“ILMA”) submits the following comments for inclusion in the record of the September 25, 2009 meeting of the South Coast Air Quality Management District’s (“AQMD” or “District”) Stationary Source Committee (“SSC”) on Rule 1144 - Vanishing Oils and Rust Inhibitors. Rule 1144 was adopted at the March 6, 2009 meeting of the District’s Governing Board. The Board Resolution adopting the Rule required AQMD staff to work with interested parties on: (1) test method validation; (2) whether changes to the Volatile Organic Compounds (“VOC”) limits or effective dates in Rule 1144 are needed; and, (3) development of a screening tool for high-water content samples. ILMA addresses these three areas below.

As an initial matter, there are two issues which need immediate attention by the SSC and the Governing Board. It is important to resolve the test method and recordkeeping issues under Rule 1144 not only for 2012 compliance, but also for 2010 compliance, which is now little more than three months away. Rust inhibitors and vanishing oils are both subject to limitations under Rule 1144, beginning January 1, 2010. A valid test method is needed for rust inhibitors, and revised recordkeeping requirements are needed for both rust inhibitors and vanishing oils. Because ILMA does not see these issues being timely resolved to provide for compliance by regulated entities by January 1, 2010, the District staff should be instructed to exercise enforcement discretion on 2010 compliance until these issues are resolved.

Test Method Validation

ILMA and its members have participated in seven Rule 1144 Laboratory Subcommittee meetings to discuss the appropriate test method and validation of such test method. While progress has been made, it has been slow. ILMA is concerned that District staff is backing away from reaching a conclusion, because, based on the data so far, the conclusion would be that the thermogravimetric analysis (“TGA”) method proposed by ILMA produces accurate results and the District’s gas chromatograph (“GC”) Method 313-L does not.

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Since the adoption of Rule 1144 in March, ILMA and its member companies have worked diligently to demonstrate that TGA is the best test method to validate VOC emissions from the covered lubricant products. TGA is a type of testing that is performed on samples to determine changes in weight in relation to change in temperature. Such analysis relies on three measurements: weight, temperature, and temperature change. The method is conceptually simple and follows ASTM method 1868-04. Also, TGA can produce results within 15 minutes of turning on the instrument, and can run unattended during the testing cycle. The total proposed test sequence is less than two (2) hours and results are produced as a printed number not requiring subsequent interpretation. ILMA member companies and an independent testing facility have run the TGA method on three types of products at different time and temperature combinations. We have taken the results of the TGA tests and have correlated them to the W.S. Dodge Oil six-month evaporative study and results from the State of California Department of Pesticide Regulation TGA test method Parts A and B.

ILMA previously has shared the data from its TGA testing with AQMD staff. Based on comments received at the September 2, 2009 Laboratory Subcommittee meeting, ILMA and its member companies conducted additional TGA robustness testing, as well as a statistical analysis of the results. We are confident that an acceptable time and temperature combination for TGA testing for all regulated products has been determined from industry's months-long testing.

At the same time, ILMA is concerned with the lack of measurable progress on validating District Method 313-L. As far as we know, since March, AQMD has conducted only one round of robustness testing, on only one sample, using Method 313-L. Method 313-L appears to be badly flawed, as the results from the first round of testing were off by 376 percent. "Revised" calculations had to be performed on the data provided by the laboratories participating in the robustness testing to get the results to come into somewhat better agreement. These revised numbers were not provided to us. At the Rule 1144 Laboratory Subcommittee meetings, we have not been apprised of any plans to correct the flaws and conduct further robustness testing. Gas chromatograph experts tell us it is probable that Method 313-L will never pass the ASTM validation protocol for reproducibility. We have prepared a detailed scientific critique of Method 313-L, and will gladly make it available to the District upon request.

At the conclusion of the last Laboratory Subcommittee meeting, both industry and District staff tentatively agreed to another meeting just prior to the SSC meeting, assuming that new data would be ready. In fact significant new data are ready, and ILMA requested this meeting. The purpose would be to discuss the newly-generated data, and to agree on round-robin testing to validate the TGA method at a particular time and temperature combination. However, the District belatedly indicated it was not available for the requested meeting. ILMA and its members remain available to discuss with AQMD staff the TGA method time and temperature combination that should undergo validation through round-robin testing.

Rule Limits and Effective Dates

There is a link between the validity of the test method to the limits/deadlines in current Rule 1144. ILMA and its members are concerned that, without a valid test method, regulated entities will have difficulty complying with the vanishing oil (50 g/l) and rust inhibitor (300 g/l) limits that are effective on January 1, 2010, in addition to the rust inhibitor (50g/l) limit that is effective on January 1, 2012 or possible new limits that have not yet been adopted. Rule 1144 currently requires the use of EPA Method 24 for rust inhibitors. This method, however, can yield a VOC number for a given rust inhibitor that is unreasonably high and above the limitation of 300 g/l. The same problem does not exist for vanishing oils, because these products are defined in Rule 1144 as materials with flash point less than 200°F.

The Governing Board's Resolution directs the District staff to meet and confer with interested parties not only on test method validation, but also on the need for adjustments to the limits or effective dates to ensure that compliance is technologically feasible and cost-effective. The lack of a valid test method currently jeopardizes compliance with the January 1, 2010 deadline. If the deadline cannot be postponed by the Governing Board, then District staff should be directed to use enforcement discretion until a valid test method can be promulgated.

Another key issue is reporting and recordkeeping under Rule 1144. As things stand now, if the current requirements (referencing Rule 109) are not changed, there could be a huge and totally unneeded negative impact on virtually every machine shop in the South Coast Basin. While ILMA and AQMD staff are working on a joint study at a major metalworking facility to develop workable requirements, we do not have formal assurances from the District that either a clarification or guidance will be forthcoming.

ILMA also is concerned with the proper interpretation of Rule 1144 in light of other District rules, including Rule 109. ILMA understands that the AQMD staff attorney assigned to the Rule 1144 development process has left the Agency, so ILMA has been unable to obtain needed clarifications. ILMA requests that AQMD provide an avenue for obtaining these clarifications.

High-Water Content Samples

ILMA believes that the TGA method can be successfully used on high-water content samples. Data received earlier this week from TGA testing on a water-based sample indicate that this method can be successfully applied to all covered lubricants under Rule 1144. ILMA and its members are prepared to sit down and discuss this important development with AQMD staff.

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ILMA appreciates this opportunity to submit these comments.

Sincerely,



Celeste M. Powers, CAE
Executive Director

cc: ILMA Board of Directors

ILMA SHERA Committee

Jeffrey L. Leiter, Esq.