

Example Petition for Exemption

Paint Stripping and Miscellaneous Surface Coating Operations

Area Source Rule

40 CFR Part 63 Subpart HHHHHH (§§ 63.11169 – 63.11180 and Table 1)

An exemption from the requirements of Subpart HHHHHH is case/fact specific. This Example Petition for Exemption is completed to illustrate the type of information that you might submit to request an exemption. You may use your own form as long as you include all the information required by the rule for a petition. We will respond to your petition after we have evaluated the information you provided.

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the United States Environmental Protection Agency (EPA) Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR Part 63 Subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target hazardous air pollutants (HAP) (paint stripping requirements still apply).

Note: in determining whether you spray apply target HAP containing coatings, do not include coatings applied using hand-held aerosol cans, or hand-held devices (e.g., spray guns) with a paint cup capacity of 3 fluid ounces or less. These are not considered spray-applied coatings under the rule. See, "spray-applied coating operations" definition at 40 CFR §63.11180.

As defined in 40 CFR §63.11180, coatings are "target HAP containing coatings" if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration. If a compound is not carcinogenic, then the rule allows a higher concentration of the compound before the coating is considered to be a target HAP containing coating, as described here:

- Target HAP containing coatings are defined to include carcinogens, coatings containing compounds of hexavalent chromium (Cr+6) (e.g., chromates), lead (Pb), nickel (Ni), or cadmium (Cd), if those compounds comprise more than 0.1% of the coating by mass.
- Target HAP containing coatings also include noncarcinogens, coatings containing compounds of trivalent chromium (Cr+3) or manganese (Mn), if those compounds comprise more than 1.0% of the coating by mass.
- Refer to the coating Material Safety Data Sheets (MSDS) or obtain documentation from your supplier for each coating that you spray apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray apply.

1. General Information

Company Name _____

Facility Name _____

Mailing Address _____ Telephone Number _____

City _____ State _____ Zip _____

Facility Location (if different from above):

For mobile refinishing operations, indicate "at various customer locations"

Street Address _____ County _____

City _____ State _____ Zip _____

Location where your facility compliance records are maintained:

Street Address _____ County _____

City _____ State _____ Zip _____

2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR §63.11170 (a)(2). (For example: Our facility repairs automobile collision damage. We are seeking an exemption because we do not use any target HAP containing coatings.)

3. Description of Spray-Applied Coatings

Identify the manufacturer(s) and product line(s) of all the spray-applied coatings used at this facility. Attach additional pages to this petition, if necessary.

Manufacturer	Product Line

4. Certification Statement

I have consulted reliable analyses (material safety data sheets or information obtained from the coating manufacturer) of the coatings that are used in this facility and have determined that we do not spray apply target HAP containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of "target HAP containing coatings". I certify, under penalty of law, to the truth, accuracy, and completeness of the information provided in this petition. If circumstances change such that we intend to spray apply target HAP containing coatings in surface coating operations, we will submit the initial notification required by 40 CFR §63.11175 and will comply with the requirements of 40 CFR Part 63 Subpart HHHHHH (the National Emission Standard for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources). Spray application of target HAP containing coatings in a surface coating operation voids any exemption that might be granted as a result of this petition.

If your petition is approved, then you must keep a copy of the approval on site at your facility until you change your operation(s) to include spray application of target HAP containing coatings, or discontinue motor vehicle and mobile equipment surface coating operations.

Signature of Certifying Official

Date

**Certifying official must be the
owner or operator of the facility.
Check the one or both that apply:**

____ Owner

____ Operator

Printed Name and Telephone
Number of Certifying Official

Mailing Address of Certifying Official