

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**FEDERAL SUBPART HHHHHH – NATIONAL EMISSION
STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR
PAINT STRIPPING AND MISCELLANEOUS SURFACE
COATING OPERATIONS AT AREA SOURCES**

WORKSHOP REPORT

A workshop notice concerning implementation of Federal Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources was mailed to all owners or operators of motor vehicle or mobile equipment refinishing facilities permitted or otherwise known by the District. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

Forms and information relating to the NESHAP can be found at the following District website: <http://www.sdapcd.org/rules/wrkshps/wrkshed.html>.

The workshop was held on January 5, 2010, and was attended by 40 people. The workshop comments and District responses are as follows:

1. WORKSHOP COMMENT

ARB previously banned the use of the target hazardous air pollutants (HAP) in coatings used in California. Consequently, are affected facilities automatically exempt from the NESHAP because of the State prohibition?

DISTRICT RESPONSE

No. The NESHAP specifically regulates coatings containing compounds of cadmium, chromium, lead, manganese, and nickel as target HAP. However, ARB only regulates coatings containing cadmium and hexavalent chromium through an airborne toxic control measure (ATCM) for motor vehicle and mobile equipment coatings. All affected facilities are subject to both the NESHAP and the State regulations.

2. WORKSHOP COMMENT

If coatings used at an autobody refinishing shop do not contain target HAP, does this NESHAP apply?

DISTRICT RESPONSE

Yes. The NESHAP automatically applies to all spray applied coating operations conducted on motor vehicle and mobile equipment. However, an owner or operator can petition for an exemption from the requirements of the NESHAP if he or she can demonstrate that no spray applied coatings contain target HAP. A facility must submit a Petition for Exemption form to EPA-Region IX and the District, and receive a District exemption before the facility would be considered exempt from the NESHAP.

3. WORKSHOP COMMENT

How does the federal rule impact non-military aircraft coating operations?

DISTRICT RESPONSE

This rule will apply to facilities using spray applied coatings containing target HAP for non-military aircraft and their components. Space vehicles that are designed to travel beyond the earth's atmosphere are exempt from the NESHAP.

4. WORKSHOP COMMENT

In submitting an exemption request, what needs to be provided as documentation to verify the spray applied coatings used do not contain target HAP?

DISTRICT RESPONSE

A completed and signed Petition for Exemption form will provide the necessary information. Please send a copy to EPA-Region IX and to the District.

5. WORKSHOP COMMENT

If a coating does not contain target HAP, can the coatings be sprayed outside in an open area rather than inside a spray booth?

DISTRICT RESPONSE

Spray applying coatings in a spray booth would not be required if the coatings do not contain target HAP and provided the facility has been granted an exemption by the District. However, the District encourages the use of a spray booth if coatings are applied by spraying.

6. WORKSHOP COMMENT

Do the NESHAP requirements for stripping operations apply only to aircraft coating operations?

DISTRICT RESPONSE

No. All paint stripping operations that use methylene chloride (MeCl) are subject to the NESHAP including but not limited to autobody and aircraft.

7. WORKSHOP COMMENT

If paint is stripped using a mechanical method such as sanding and MeCl is not used, then will the NESHAP requirements for paint stripping still apply?

DISTRICT RESPONSE

No. The NESHAP specifically applies only to paint stripping operations that use MeCl.

8. WORKSHOP COMMENT

Should the Initial Notification Form be sent to EPA-Region IX in San Francisco, or should it be sent to the District?

DISTRICT RESPONSE

A copy of the form should be sent to both the District and the EPA-Region IX in San Francisco. The addresses of both agencies are as follows:

U.S. EPA, Region IX
Director, Air Division
75 Hawthorne Street
San Francisco, CA 94105
Fax: (415) 947-3579

San Diego APCD
Attn: Kevin Heiss
10124 Old Grove Road
San Diego, CA 92131
Fax: (858) 586-2801
Kevin.Heiss@sdcounty.ca.gov

9. WORKSHOP COMMENT

Should any forms be sent to ARB?

DISTRICT RESPONSE

No.

10. WORKSHOP COMMENT

Who will provide the painter training that is required by the NESHAP?

DISTRICT RESPONSE

The NESHAP does not specify who must provide the painter training. Training courses may be available from paint manufacturers or suppliers, independent training companies, trade schools and community colleges, or through online training resources.

However, the NESHAP does require that the training include hands-on and classroom instruction in spray gun equipment selection, set up and operation, spray technique for different types of coatings, routine spray booth and filter maintenance, and compliance with environmental regulations of the NESHAP. Additionally, the NESHAP requires that records be kept to document and certify employee training. An Owner/Operator Certification for Employee Painter Training template has been added to the District's workshop website.

DR:jlm
03/01/10

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WORKSHOP REPORT

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Forms and information relating to the NESHAP can be found at the following District website: <http://www.sdapcd.org/rules/wrkshps/wrkshed.html>.

The workshop was held on January 6, 2010, and was attended by 32 people. The workshop comments and the District's responses are as follows:

1. WORKSHOP COMMENT

Will EPA accept electronic transmission (e-mail) of the Initial Notification form?

DISTRICT RESPONSE

No. EPA will not accept the Initial Notification form via email. The form should be submitted via fax or mail to the EPA-Region IX office:

U.S. EPA, Region IX
Director, Air Division
75 Hawthorne Street
San Francisco, CA 94105
Fax: (415) 947-3579

The copy of the Initial Notification form must also be sent to the District via e-mail, fax or mail:

San Diego APCD
Attn: Kevin Heiss
10124 Old Grove Road
San Diego, CA 92131
Fax: (858) 586-2801
Kevin.Heiss@sdcounty.ca.gov

2. WORKSHOP COMMENT

Must the Initial Notification form be received at EPA and the District by January 11 or postmarked by January 11?

DISTRICT RESPONSE

Due to the short timeframe of the required notification deadline for this NESHAP, both the District and EPA will exercise enforcement discretion and not penalize persons making a good faith effort to submit the required Initial Notification form as soon as possible.

3. WORKSHOP COMMENT

What is the fax number for EPA?

DISTRICT RESPONSE

Please see response to Comment No. 1.

4. WORKSHOP COMMENT

Who will provide the painter training that is required for operations that are not exempted? Can this training be conducted in-house?

DISTRICT RESPONSE

The NESHAP does not specify who must provide the painter training. Training courses may be available from paint manufacturers or suppliers, independent training companies, trade schools and community colleges, or through online training resources.

A certified trained employee can provide training to other employees if the training includes hands-on and classroom instruction in spray gun equipment selection, set up and operation, spray technique for different types of coatings, routine spray booth and filter maintenance, and compliance with environmental regulations of the NESHAP. Additionally, the NESHAP requires that records be kept to document and certify employee training. An Owner/Operator Certification for Employee Painter Training template has been added to the District's workshop website.

5. WORKSHOP COMMENT

Will there be additional information provided on the specific elements of the required painter training?

DISTRICT RESPONSE

No additional information on painter training is currently available from EPA or the District. Please see response to Comment No. 4.

6. WORKSHOP COMMENT

If the spray gun cup has a capacity of less than 3.0 fluid ounces, is the coating operation required to be conducted inside a spray booth?

DISTRICT RESPONSE

No. If the coating operation is conducted with a spray gun with a cup capacity of not more than 3.0 fluid ounces, then the NESHAP requirements (which include spray booth requirements) do not apply. However, the District encourages the use of a spray booth if coatings are applied by spraying.

7. WORKSHOP COMMENT

If a miscellaneous parts spray booth is only occasionally used to paint motor vehicles and only coatings that do not contain target hazardous air pollutants (HAP) are used, does this NESHAP apply?

DISTRICT RESPONSE

Yes. The NESHAP automatically applies to all spray applied coating operations conducted on motor vehicle and mobile equipment. However, an owner or operator can petition for an exemption from the requirements of the NESHAP if he or she can demonstrate that no spray applied coatings contain target HAP. A facility must submit a Petition for Exemption form to EPA-Region IX and the District, and receive a District exemption before the facility would be considered exempt from the NESHAP.

8. WORKSHOP COMMENT

If a facility only spray applies coatings to miscellaneous parts and only uses coatings that do not contain target HAP, does this NESHAP apply?

DISTRICT RESPONSE

No. The NESHAP does not apply to a miscellaneous coating operation (i.e., not motor vehicle or mobile equipment coating operation) if spray applied coatings are used that do not contain target HAP.

9. WORKSHOP COMMENT

Are there de minimis values for target HAP content below which the NESHAP requirements do not apply?

DISTRICT RESPONSE

Yes. Spray applied coatings that contain compounds of cadmium, hexavalent chromium, lead, and/or nickel at levels below 0.1% by mass are exempt, and coatings that contain compounds of manganese and/or trivalent chromium at levels below 1.0% by mass are exempt. If a coating indicates it contains chromium but does not specify whether chromium is in trivalent or hexavalent configuration, it should be assumed that the coating contains hexavalent chromium.

10. WORKSHOP COMMENT

Are carbon fiber reinforced materials subject to this NESHAP?

DISTRICT RESPONSE

Yes. Both the District and EPA interpret the definition of plastic in the NESHAP, which states “plastics include fiber reinforced plastic composites,” to include carbon fiber reinforced materials. Therefore, the spray applied coating of carbon fiber reinforced materials would be considered a miscellaneous parts coating operation and thus be subject to the NESHAP.

11. WORKSHOP COMMENT

If operations are altered or the EPA revises language such that operations are no longer subject to the NESHAP, is there a procedure to amend or withdraw the original Initial Notification form?

DISTRICT RESPONSE

If an operation is no longer subject to the NESHAP and the owner or operator would like such operation to be declared exempt, then the District recommends that he or she fill out an Initial Notification form indicating they are not subject to the NESHAP and submit copies to EPA-Region IX and the District.

12. WORKSHOP COMMENT

Is a paint stripping operation that uses a solvent containing methylene chloride (MeCl) exempt from the NESHAP if the solvent is contained in a cup with a capacity not more than 3.0 fluid ounces?

DISTRICT RESPONSE

No. The NESHAP exemption for a paint cup capacity not more than 3.0 fluid ounces affects only spray applied coatings. Paint stripping operations using MeCl are subject to the NESHAP regardless of how much MeCl is used.

13. WORKSHOP COMMENT

Are facilities with a spray paint booth required to submit an Initial Notification form by January 11, 2010?

DISTRICT RESPONSE

A facility is required to submit an Initial Notification form only if it is subject to the NESHAP. Operations subject to this NESHAP include MeCl stripping operations, miscellaneous surface coating operations spraying coatings containing target HAP, and all motor vehicles and mobile equipment spray coating operations. Additionally, the facility must be an area source and not subject to another area source NESHAP (please see the definition of area source in response to Comment No. 15).

14. WORKSHOP COMMENT

Are the de minimis thresholds regarding content of target HAP in coatings based on coatings "as applied"?

DISTRICT RESPONSE

Yes. The mass concentration limits for target HAP in coatings are "as applied".

15. WORKSHOP COMMENT

Is there any part size exemption from the spray booth requirement, such as for very large parts that may not fit inside a spray booth?

DISTRICT RESPONSE

No. There is not a specific exemption for large parts as EPA believed miscellaneous surface coating of large parts would fall into one of the following three exempt categories: use of spray applied coatings that do not contain the target HAP, use of non-spray application methods, or the surface coating operation of the large part would meet the definition of "facility maintenance" (please see description of "facility maintenance" in response to Comment No. 18).

16. WORKSHOP COMMENT

Does the NESHAP apply to facilities and operations that are a major source of HAP?

DISTRICT RESPONSE

No. This NESHAP only applies to area sources of target HAP. An area source is any source that emits less than 10 tons per year (tpy) of any single HAP, or less than 25 tpy of any combination of HAP. A source that exceeds these thresholds would be considered a major source and would not be subject to this NESHAP.

17. WORKSHOP COMMENT

If a major source reduces its emissions in the future and becomes an area source, then would the area source be considered a new facility or an existing facility for purposes of NESHAP applicability?

DISTRICT RESPONSE

If a major source becomes an area source and has an operation subject to the NESHAP, the operation would be considered existing if its construction commenced before September 17, 2007. This applies whether the source is or was considered a major or an area source. Please see the reference to a “new source or an existing source” in §63.11171 for more details.

18. WORKSHOP COMMENT

Can the District provide some guidance on the difference between a stationary structure (the coating of which is not subject to NESHAP requirements) versus mobile equipment (the coating of which is subject to NESHAP requirements)? For example, is a crane operating on an onsite fixed rail considered a stationary structure or mobile equipment?

DISTRICT RESPONSE

In the above example, since the fixed rail crane is intended to remain onsite and is a part of the infrastructure of the facility, the coating of this equipment would be considered “facility maintenance” and therefore be exempt from this NESHAP. Please see the definition of “facility maintenance” in §63.11180 for more details.

19. WORKSHOP COMMENT

Is the onsite manager or facility owner considered the operator for Section 2b of the Initial Notification form?

DISTRICT RESPONSE

The onsite manager would be considered the operator if he or she is responsible for the day-to-day decisions at that business location.

20. WORKSHOP COMMENT

If the use of MeCl is discontinued at a facility, is submittal of an Initial Notification form still required?

DISTRICT RESPONSE

If MeCl use is continued after the January 11, 2010, Initial Notification deadline, then an Initial Notification form should be submitted indicating that the operation is subject to the NESHAP. If MeCl use is then eliminated prior to the January 10, 2011, compliance deadline, the owner or operator should fill out an Initial Notification form indicating they are not subject to the NESHAP and submit copies to EPA-Region IX and the District.

21. WORKSHOP COMMENT

Why are there two compliance dates, January 10, 2011, and March 11, 2011?

DISTRICT RESPONSE

January 10, 2011, is the date that operations must be in compliance with the NESHAP. March 11, 2011, is the date that the Notification of Compliance Status is due to EPA-Region IX and the District.

22. WORKSHOP COMMENT

Is there a copy of the Notification of Compliance Status form available?

DISTRICT RESPONSE

No. EPA is currently developing a Notification of Compliance Status form and the District will provide the form on its website once available.