Petition for Exemption

Paint Stripping and Miscellaneous Surface Coating Operations

Area Source Rule

40 CFR Part 63 Subpart HHHHHH (Parts 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. If approved, 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:

- Coatings containing compounds of chromium (*e.g.*, chromates) including hexavalent chromium (Cr+6) or trivalent chromium (Cr+3), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) that are carcinogens and are present at more than 0.1% of the coating by mass are target HAP containing coatings.
- Coatings containing compounds of trivalent chromium (Cr+3) or manganese (Mn) that are not carcinogens, and are present at more than 1.0% of the coating by mass are also target HAP containing coatings.
- 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 concentrations 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 <u>must</u> 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***

5. Where should I send this Petition for Exemption?

a. To the appropriate Regional Office of the EPA (see addresses below).

b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the notification to the appropriate State agency found at the following link: **http://www.4cleanair.org/contactUsaLevel.asp**

Addresses of EPA Regional Offices:

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Manager, Air Programs Branch, One Congress Street, Suite 1100 (CAB), Boston, MA 02114.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Division of Enforcement and Compliance Assistance, 290 Broadway, New York, NY 10007-1866.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303–3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604–3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202–2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Waste Management Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 6th Ave., Suite 900, AWT-107, Seattle, WA 98101.

Who may be subject to the rule and may need to use this form?

Spray painting of motor vehicles or mobile equipment is subject to 40 CFR Part 63 Subpart HHHHHH unless exempted (see 40 CFR §63.11180 for definitions). The following will generally be subject to the rule:

- Businesses at a fixed location
- Mobile operations that spray paint at various customer locations using their own equipment
- Individuals that coat more than 2 motor vehicles or pieces of mobile equipment per year without compensation, or any number for compensation

Who may petition for exemption?

If you as the owner or operator of a facility are subject to the rule and do not spray paint with any target HAP containing coatings, then you may petition for exemption from the spray-painting requirements of the rule.

The petition form references facilities, but any of the above may petition for exemption provided that they are eligible.

If you are subject to the rule and do not obtain exemption, then you are required to satisfy the rule requirements.