

Technical Subcommittee Meeting

Moderator: Renee Bashel

Speakers: Kim Teal & Keith Barnett

Kim:

Title: *NESHAP Paint Stripping & Misc. Surface Coating at Area Sources*

(A presentation was handed out. Kim Teal mentioned that the EPA community voluntary committee is helping with rule before it comes out, contact Laura McKelvey about this)

- Looked at area source rules to identify categories where one single rulemaking could occur
- Paint stripping, auto refinishing and plastic parts – all 3 source categories into single rule-making
 - When proposed, you can comment on the appropriateness of combining these categories
 - When putting together potential requirements, it made sense to put them together, rather than three rule-makings
 - Rule-makings have to go to OMB. The SBA Office of Advocacy will participate in the OMB review. Combining these three source categories into one rulemaking will allow OMB and SBA to look at the combined economic impacts
 - Keep in mind, the current rule requirements I am presenting today have not been approved by management, so what I'm giving you today is the current plan developed at the staff level.
- Only address methylene chloride in the paint-stripping rule

Plastic Parts:

- We would have renamed this miscellaneous coatings except we didn't want to cause confusion with the published area source list.
- This source category included coating of metal parts

Autobody refinishing:

- This source category includes heavy-duty trucks, and all other mobile equipment such as farm equipment.

Audience:

- It will dovetail with Ozone Transport Commission regulations

Kim:

- Also looked at a lot of state rules

GACT slide

- Determined MACT was not appropriate for these source categories.

- Even though majority of autobody refinishing businesses might be small, small businesses to not represent the majority of the coating use on a volume basis. Therefore we felt reformulation of coating as a control technique was not appropriate because the coating manufacturers are going to be more responsive to large volume users
- The current plan developed at staff level is to require HVLP spray guns, painter training, and the use of a spray booth as GACT for this source category.
- Each one contributes to more efficient use of your materials.
- Have alternative of hand-washing the gun.

Audience:

- What kind of training?

Kim:

- Meeting last fall with manufacturers etc., who had an interest in training, pulled together some things.
- Most requirements come from Star Program.
- Don't have authority to address worker safety.

Audience:

- Paint booths have to be used?

Kim:

- Booths as defined in the proposed rule must be used.

Audience:

- Since you're throwing agricultural equipment into it, some combines are so large; no enclosure will be big enough

Audience:

- Has this issue been considered?

Kim:

- Those we've talked to haven't said anything about it.

Audience:

- Will have problems with those who do spraying very infrequently.
- Should consider some cut-off point so those who do little spraying are exempt in some way

Kim:

- These categories were listed because of health issues, therefore identifying a minimum usage cutoff would be difficult to support.
- Highly recommend that you comment on the minimum usage issue.
- The rule has to be finished Dec. 15, which is less than 6 months away. Given this fact we don't have time to do any additional data gathering or consider new data now.
- Keep in mind it's a proposal and may change after comment.

Audience:

- Put together comments in the past, and not gotten a response.

Audience:

- What your presentation is saying, is that EPA has a deadline, and you're putting this together because it's convenient for you.
- Tell me when there has been a change in the past.

Kim:

[Gave coating example of when comments were given, and rules were changed]

- All technical comments will come to the EPA rulewriter.
- There is a responsibility on you because we don't have access to all these businesses.
- We go to a lot of effort to contact businesses, but the SBAP programs have the relationship with the businesses.
- We will respond to the comments, and we are giving you information now to help you be prepared to comment.

Keith:

- When you comment it is most helpful if you provide data to support your comment, or suggested changes that would address your concerns.

Audience:

- There are things we can do before. Raise things before proposal.

Keith:

- In Office of General Council, they have become much more cautious because of numerous adverse court decisions.
- When you talk about cut-offs, they have to have some basis. For example, in reinforced plastics we redefined the source category to exclude facilities that use below a certain amount of resin and gel coat because we had no data on these smaller facilities
- Not sure what basis we could use in this case. If there is a basis we can use (like a difference in process between typical facilities and the smaller facilities) we can use that as a basis to subcategorize.

Audience:

- We have implemented a lot of these regulations already, but also have an exemption for a small operation that used less than a certain amount of gallons.
- There might be a marina doing fiberglass repair in the marina. They can't bring boat into a booth to clean it.

Keith:

- Bring into comment what you did on these small source exemptions and why you did it.
- Final rule has to be a logical outgrowth of the proposed rule and the public comments- Under very tight schedules here. We're still required to respond to comments and we will do that as best we can, and to the extent the comments are justified.
- One way we have accelerated the schedules is we have reduced the review times for OMB and other headquarters offices.

Audience:

- Better to submit comments together or individually?

Kim:

- Doesn't matter to me. Maybe put together into a single comment - that's great.
- If a single state wants to submit something separately as well.
- We get letter-writing campaigns, but these campaigns don't really result in any greater response for us.

Keith:

- Comments that are most helpful are do you see something in the rule that is inaccurate or not supported by the data? Is there something we don't know about? Those are the things we look at.

Kim:

- Challenge if you don't get a response to your comment, because we're required to do that.

Kim:

- Did have meetings with SBA. They understand conceptually, but we haven't submitted the package formally because OMB and SBA are looking at Group II, Area Source Rules, and taking them as the deadlines come.
- Have gotten verbal concurrence from OBM and SBA on the staff approach.
- Waiting to be turned into OMB, as soon as packages cleared. Probably end of July. I've said before that email will be sent out to the Stakeholder Notification list, saying that it's been signed, and will be on website, what the rule will be.

Audience:

- Definition of spray booth?

Kim:

- Need to back up and qualify what we consider a spray booth. Again, this hasn't gone through management.
- Minimum spray booth - 3 complete walls or curtains, ventilated. Don't have to buy commercial spray booth, or even permanent 3-walled enclosure.
- We looked at homemade spray booths online, and looked at it from engineering perspective.
- The booth has to have a filter.
- Keep in mind, intent here is to address the emissions we have to address without putting people out of business. Got to balance this somehow.

Audience:

- Last two sets of rules came out as MACT with exemption from Title 5 permitting with control technology to be employed as GACT. Is that the plan for this rule? There're other sets of rules, scenarios for states, Implementation of 112 (g) and (j).

Keith:

- All these other area source rules will most likely be GACT standards. The area source rules based on MACT don't apply here.

Kim:

- Did get adverse comments on Title 5 exemption.

Keith:

- Will address Title V exemption more in another session.
- We are not at a point where we can make changes to the rule now, but if you already have specific concerns, you can send them now. This will give us more time to consider them than if you wait until proposal. You can also send them during the comment period as a formal comment to be sure they are addressed.

Kim:

- Certainly start giving feedback now. Can talk about it now, can't after proposal.

Keith:

- Have to document contacts that occur after proposal.

Audience:

- Can we see draft rules? Hard to comment now, without more detail.

Audience:

- Have given us an idea today – de minimus is a waste of time. If each of us were to take certain things we might look at, examples, we can start incorporating those and not waste time with de minimus sources.

Kim:

- If you bring it to Warren now and bounce off of us, your concerns and what you'd propose, we'd give you feedback on whether we think it's enough.

Keith:

- I know nothing about details of the rule, but I'd say we know there's going to be a booth requirement and a training requirement. So you should have an idea of what the rule is going to require.
- We have been trying to involve the SBAP programs earlier in the process. The area source rulewriters meet every two weeks. If there is something you want to communicate to them I can do it at the meetings.
- As an example, Donnalee Jones recently sent out a lot of information on one of her rules. I recommend the person who received the email response even if you have no comment I would respond as such to let her know you read through info. If Donnalee gets feedback, it encourages other project leads that there is a benefit to reaching out to the SBAP.
- I have been trying to sell this concept that small business assistance programs are unique. - Trade associations are not always best vehicle because they do not necessarily represent small business interests. If you have tech knowledge about a source category, we can use that

knowledge in rule-making. If you don't know the project led for a particular rulemaking I can put you in contact with that person.

- The BIN II rules have been signed and are probably on our website. Read through these rule to get an indication of where the area source program is going.
- If you see something of concern in the Bin I or II rules, let us know, even though these rules are final.
- Implementation concerns were raised at last conference. We are already working on tools and trying to get them done before the rule goes final. The SBAP representatives are good to have on the implementation workgroups. Phyllis Strong was involved with the Reinforced Plastic Composite NESHAP implementation workgroup. Think in terms of being involved in implementation too, not just rule-making.

Audience:

- Liaison from your group with ours?

Keith:

- I am the liaison between the SBAP programs and OAQPS. I may refer you to someone else on a specific rule, but I am the small business contact. My group is the lead on the area source program. You can always contact me first.

Audience:

- Misc. parts – what did you mean by this?

Kim:

- Surface coating of metal as well as plastic parts.

Out of time - session concludes.