

June 30, 2009

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Area Source NESHAP for Paints and Allied
Products Manufacturing Docket
Docket ID No. EPA-HQ-OAR-2008-0053
U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies, thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing, which were published in the *Federal Register* on June 1, 2009 (74 *Federal Register* 26142). The National Association of Clean Air Agencies (NACAA) is the national association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country.

NACAA supports the establishment of effective regulations to reduce emissions of hazardous air pollutants from area sources, pursuant to the mandates of the Clean Air Act. The adverse effects of the emissions from these sources in the aggregate are significant and should be ameliorated. In order for these rules to be implemented properly, however, EPA should provide sufficient additional funds for state and local clean air agencies to carry out this important work. Currently, federal grants fall far short of what is needed to support state and local agencies in carrying out their existing responsibilities. In recent years, federal grants for state and local air programs have amounted to only about one-third of what they should be and budget requests for recent years have called for additional cuts. Additional area source programs, which are not eligible for Title V fees, will require significant new resources for state and local air agencies, above and beyond what is currently provided.

Without additional funding, some state and local air agencies may not be able to adopt and enforce additional area source rules. Even for permitting authorities that do not adopt the rules, it is possible that implementation of the area source standards will increase the workload and resource needs of state and local agencies. For example, synthetic minor permits (or Federally Enforceable State Operating Permits) may need to incorporate all applicable requirements, which would include the area source standards. These requirements also must be,

enforced. However, Title V permit fee funds are not available for those efforts and many state and local air agencies do not have sufficient resources for these responsibilities. Accordingly, NACAA recommends that EPA provide state and local air agencies with sufficient additional grants so that they may participate in the implementation of these important area source rules.

NACAA has several specific issues related to the proposal we wish to raise:

1. We have a concern about the applicability of the proposed rule as it is currently written. The proposal seems to cover all retail and commercial paint and allied product operations that merely add and mix pigment to pre-manufactured products at the customer's request. If this were the case, even home-improvement and hardware stores that sell paint would be subject to the rule's provisions, which we do not believe was the proposal's intention. If it had been, then the estimates of the costs and numbers of affected sources would have been much higher. NACAA recommends that EPA revise the definitions to ensure that those establishments that add and mix very small amounts of pigment into pre-manufactured paints are not affected by the rule.
2. Section 63.11601(b)(3) states, "[l]eaks and spills of materials containing volatile HAP must be immediately minimized and cleaned up." It is unclear what "immediately minimized" means. We recommend the rule language be more specific.
3. For each particulate control device the facility is required to perform a Method 9 opacity reading every six months against an opacity limit of 5 percent. The area source NESHAP requirements under 40 CFR Part 63, Subpart XXXXXX (metal fabrication and finishing), however, allow facilities to utilize Method 22 in lieu of Method 9 if no visible emissions can be observed. It is highly unlikely that the emissions from facilities using fabric filters or wet scrubbers – as required by the proposed rule – would be visible. Therefore, requiring Method 22 for periodic monitoring should be more than adequate for this source category. Method 22 should be required for periodic monitoring for this source category, and can be supplemented by Method 9 if visible emissions are observed.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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Co-Chair
NACAA Air Toxics Committee



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