

October 17, 2007

Docket ID No. EPA-HQ-OAR-2005-0526
U.S. Environmental Protection Agency
Air and Radiation Docket
Mailcode: 6102T
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: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, which were published in the *Federal Register* on September 17, 2007 (72 *Federal Register* 52958). 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 (HAPs) 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, EPA should provide significant 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 the last two years have called for additional cuts. Additional area source programs, which are not eligible for Title V fees, will require significant *increases* in resources for state and local air agencies, above and beyond what is currently provided. This is especially true for a source category such as this one, which has many affected sources.

Without increased 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 federal 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) will need to incorporate all applicable requirements, which would include the area source standards. These requirements also must be enforced. Additionally, the proposal requires submittal of plans to the "permit authority", even though the proposal is silent as to what the "permit authority" needs to do with the plans. Unfortunately, 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.

Applicability

While we are pleased that there are requirements designed to reduce emissions of hazardous air pollution, we are concerned about some of the practical aspects of the proposal, especially the applicability. We believe that EPA has underestimated the number of sources that would be affected by the proposal and that the rule would unintentionally include many sources that should not be affected by the regulation. Examples include the following:

Private/Residential Operations – Many home hobbyists involved in restoring and customizing motor vehicles occasionally use High Volume, Low Pressure (HVLP) spray guns. These sources are extremely low emitters and are very hard to identify due to their location (residential areas) and intermittent nature.

Touch-up Operations – There is an entire automotive touchup painting industry that operates outdoors, without a booth, applying a fraction of an ounce of paint to a car (e.g., a rock chip in the hood of a car). Requiring this industry to switch to fully enclosed spraybooths is overly burdensome, and would in fact destroy this industry while achieving negligible environmental benefit. Requiring that automotive painting of larger than a specified surface area be performed in a fully enclosed booth, while allowing the smaller touch-up work to be done in front of a panel booth or in a prep-deck structure, would be reasonable.

Large Parts, Equipment or Structures – There are certain spray-painting operations that are not performed in any type of paint spray booth because the item is too large to fit in the enclosure (e.g., large mining vehicles) or cannot be moved (e.g., industrial machinery or architectural structures). The proposal would require that a spray booth or preparation station with particulate filter media, total or partial enclosure, and inward ventilation be constructed. In many cases, this would be physically and economically infeasible.

Incidental Spray Coating – The proposed rule does not have an exemption for incidental spray coating for maintenance of equipment not related to the primary business of the facility. In this case, if a facility is an area source for hazardous air pollutants (such as a chrome-plating facility) and needed to coat its tanks for maintenance purposes, it would be subject to this rule and required to use a spray booth and approved spray-gun technology. This would be impractical for a business that only applies coatings for incidental maintenance and extremely difficult for state and local agencies to enforce.

Low- or No-HAP Coatings and Strippers – Some sources may use coatings or stripping agents that contain little to no HAPs. These sources should be exempt from the requirements.

NACAA believes that many of these issues could be resolved by incorporating a *de minimis* applicability level that would exclude many truly insignificant operations. Without a *de minimis* cut-off, inclusion of these environmentally inconsequential spray-painting operations will overwhelm the regulatory agencies and place undue burdens on small facilities and

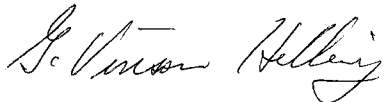
operations. Specifically, the requirements for operators, and the training, outreach, compliance assistance, enforcement and recordkeeping associated with the proposal could be excessively burdensome for state and local air agencies, as well as facilities. Since many state and local programs have *de minimis* thresholds for these types of sources, we recommend that EPA examine these exemptions to determine what an appropriate *de minimis* threshold would be and incorporate that into the final regulation.

Compliance Schedule

NACAA is concerned that the compliance date (two years from the date of publication of the final rule) is not enough time for state and local agencies to identify all the subject sources and perform the necessary outreach activities. Many of these operations have frequent changes in ownership and high employee turnover. It is likely that unfamiliarity with the requirements of the rule will be widespread. Two years is also insufficient time for all sources to complete the training and come into compliance with the rule. What may be considered an inconsequential cost to a major source could in fact be significant to small businesses. Small entities will need more time to purchase and install the required equipment. Given the number of potentially affected sources, the fact that many of these sources are small businesses and the tremendous outreach effort, three years is a more realistic compliance date.

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

Sincerely,



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