

Colorado Department of Public Health and Environment

Air Pollution Control Division



Air Toxics Standard for Paint Stripping Operations at Area Sources, Final Rule

FACT SHEET

ACTION

On January 9, 2008 the Environmental Protection Agency (EPA) published the final rule for area sources for paint stripping and surface coating Operations (40 CFR Part 63, Subpart HHHHHH). A summary of the final rule for paint **stripping operations** is provided in this document. The final rule for miscellaneous surface coating operations is included in a separate guidance document. EPA will implement and enforce this rule until it is determined whether the State of Colorado will adopt and enforce it.

This Fact Sheet is For Summary Purposes Only – See Final Rule for Specific Requirements

APPLICABILITY

The final rule **applies to** area sources that engage in:

- ❖ Paint stripping operations (wood, metal, plastics, and other substrates) that use methylene chloride (MeCl) for the removal of dried paint (includes, but not limited to, paint, enamel, varnish, shellac and lacquer) – targets MeCl evaporative losses;
- ❖ The paint stripping operations must use methylene chloride (MeCl). The Chemical Abstract Service number (CAS) for MeCl is 75092.

The final rule **does not apply** to:

- ❖ Paint stripping at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State), NASA, or the National Nuclear Security Administration.
- ❖ Paint stripping of military munitions (ammunition products and components) manufactured by or for the Armed Forces of the United States or equipment used exclusively for the purposes of transporting military munitions.
- ❖ Paint stripping performed by individuals on personal vehicles, possessions, or property, either as a hobby or for maintenance purposes.
- ❖ Paint stripping operations performed by individuals for others without compensation.
- ❖ Paint stripping that meets the definition of research and laboratory activities as defined in the final rule under 40 CFR Part 63.11180.
- ❖ Paint stripping that meets the definition of Quality Control activities as defined in the final rule under 40 CFR Part 63.11180.
- ❖ Paint stripping activities that are covered under another area source NESHAP.

The final rule and background information is available online at <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-09/a24718.htm>.

DEFINITIONS

- ⤴ **Area source** – has the potential to emit less than 10 tons per year of a single hazardous air pollutant (HAP) or less than 25 tons per year of any combination of HAPs. If sources emit more than these amounts, they are called “major” sources.
- ⤴ **New area source** – construction or reconstruction of the source was initiated after September 17, 2007 (date of the proposed rule) by installing new paint stripping equipment for a new facility or a facility that was not actively engaged in these operations prior to this date.
- ⤴ **Existing area source** – is a source that is not a new area source.
- ⤴ **Facility Maintenance** – paint stripping performed as part of the routine repair, installation, or renovation of tools, equipment, machinery, and structures that are necessary for the facility to function in its intended capacity.
- ⤴ **NESHAP** – National Emission Standard for Hazardous Air Pollutants.
- ⤴ **Quality control activities** – activities associated with a paint stripping operation intended to detect and correct defects in the final product and do not include the production of an intermediate or final product for sale or exchange for commercial profit. The activities are not a normal part of paint stripping operation and are not facility maintenance.
- ⤴ **Reconstruction** – fixed capital cost of replacement components exceeds 50% of the fixed capital cost required to construct a comparable new source. A reconstructed source is subject to relevant standards for new sources.
- ⤴ **Research and laboratory activities** – conducted at a laboratory - activities to test more efficient production processes, research and development into new processes and products and that is not engaged in the manufacture of products for sale or exchange for commercial profit. . (See full definition in rule under 40 CFR Part 63 63.11180)

COMPLIANCE DEADLINES

- √ If you are considered a new area source, you must be in compliance with the new requirements by January 9, 2008 or by the date of initial start up, whichever is later.
- √ If you are an existing area source, you must be in compliance with the new requirements by January 10, 2011.

RULE REQUIREMENTS

- ◆ **Paint Stripping operations that use MeCl must:**
 - o Implement “Management Practices” to minimize evaporative emissions of MeCl. At a minimum you must:
 - Evaluate each application to ensure there is a need for paint stripping.
 - Evaluate each application where a paint stripper containing MeCl is used to ensure there is no alternative technology that can be used.

- √ Remember, if you don't use MeCl in your paint stripping operations, you won't have to worry about complying with the new rule. Look for MeCl alternatives to use in your operations.
 - Reduce exposure of all paint strippers containing MeCl to the air.
 - Optimize application conditions when using paint strippers containing MeCl to reduce evaporation (e.g., maintaining low temperatures to reduce evaporation when the stripper is heated);
 - Practice proper storage and disposal of paint strippers containing MeCl (e.g., store in closed, air-tight containers).
- ◆ **Paint Stripping operations that use more than one ton of MeCl annually must:**
- o Develop and implement a written MeCl Minimization Plan to minimize the use and emissions of MeCl. This plan must be kept on-site.
 - o The MeCl Minimization Plan must address, at a minimum, the Management Practices discussed above
 - o Post a placard or sign outlining the MeCl minimization plan in each area where paint stripping using MeCl occurs.
- ◆ **Recordkeeping**
- o Records must be maintained for at least five years after the date of the record. Copies of records must be kept on-site for at least 2 years after their date. Records should include:
 - Documentation to verify annual usage of paint strippers containing MeCl, including the MeCl content of the paint stripper used (e.g., material safety data sheets, purchase receipts, records of paint stripper usage, MeCl content, engineering calculations).
 - If you use more than one ton of MeCl, you are required to maintain a record of your most current MeCl minimization plan on site. You must also keep records of your annual review of, and updates to, the plan.
 - Copies of Initial and Compliance Notifications, if applicable.
 - Copies of Annual Notification of Changes report.
 - Records of any deviations from the requirements of this rule (e.g., date and time period of deviation, description, and actions taken to correct the deviation).

NOTIFICATIONS AND REPORTS

◆ **Initial Notification**

- o New area sources must submit the Initial Notification no later than 180 days after initial startup or July 7, 2008, whichever is later.
- o Existing area sources must submit this form no later than January 11, 2010.
- o Information on the Initial Notification is outlined in the final rule under 40 CFR Part 63.11175(a). See example: http://www.epa.gov/ttn/atw/area/metal_example.doc

◆ **Notification of Compliance Status**

- o New area sources are not required to submit a separate Notification of Compliance Status in addition to the Initial Notification provided you were able to certify compliance as part of the Initial Notification and your compliance status has not since changed.
- o Existing area sources that did not certify compliance in the Initial Notification must submit a Notification of Compliance Status form on or before March 11, 2011.
- o Information on the Notification of Compliance Status is outlined in the final rule under 40 CFR Part 63.11175(b).

◆ **Annual Notification of Changes Report**

- o Submit a report in each calendar year in which information previously submitted in either the Initial Notification, Notification of Compliance Status, or a previous Annual Notification of Changes Report has changed.
- o Must be submitted prior to March 1 of each calendar year only if reportable changes have occurred.
- o Information on the Notification of Changes Report is outlined in the final rule under 40 CFR Part 63.11176(a).
- o Paint stripping operations using more than one ton of MeCl annually:
 - Paint stripping operations that have not developed and implemented a written MeCl Minimization Plan must submit a Notification of Changes Report for any calendar year for which more than one ton of MeCl was used. The report must be submitted no later than March 1 of the following calendar year.

- ◆ A written MeCl Minimization Plan must be developed and implemented by no later than December 31 of the same year a Notification of Changes Report is filed.

◆ **FOR MORE INFORMATION**

- ❖ The Small Business Assistance Program offers free and confidential assistance to small businesses with environmental questions.

Small Business Assistance Program: (303) 692-3175 or 3148
Small Business Ombudsman: (303) 692-2135

Website: www.cdphe.state.co.us/ap/sbap/index.html
EPA's air toxics website: <http://www.epa.gov/ttn/atw/area/arearules.html>

