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40 CFR Part 63, Subpart HHHHHH Refinish Area Source Rule

The Federal EPA recently enacted an Area Source Rule, covering surface coatings facilities for metal & plastic substrates. This rule was designed to cover smaller facilities not targeted by the major source NESHAPS, already in place. Refinish facilities in particular are regulated under this new federal rule, including training facilities operated by coatings manufacturers. For Refinish facilities, the rule (identified as 40 CFR Part 63 Subpart HHHHHH) can be broken down into four basic components: 1) Notification, 2) Compliance, 3) Training and 4) Recordkeeping. The rule is very detailed, and as with any federal rule, the final word on interpretation is the EPA. Highlights have been selected for this overview, but if you have any compliance questions, you should contact the EPA or your local air agency.

The Area Source Rule also applies to paint stripping operations using methylene chloride (MeCl). Requirements for methylene chloride stripping operations with annual usage less than 1 ton per year have been included in the summary below. If usage levels exceed 1 ton/year, consult the regulation for added requirements.

Notification:

New facilities, which came on line between (and including) Sept 17, 2007 up to January 9, 2008 MUST be compliant by January 9, 2008 & MUST notify EPA of compliance (the "Initial Notification") by July 7, 2008. New facilities that come on line after January 9, 2008 MUST notify EPA of compliance within 180 days of start up.

The Initial Notification MUST contain the following information:

- (1) The company name;
- (2) The name, title, street address, telephone number, e-mail address (if available), and signature of the owner and operator, or other certifying company official;
- (3) The street address (physical location) of the affected source and the street address where compliance records are maintained, if different. If the source is a motor vehicle or mobile equipment surface coating operation that repairs vehicles at the customer's location, rather than a fixed location such as a collision repair shop, the notification should state this and indicate the physical location where records are kept to demonstrate compliance;
- (4) An identification of the relevant rule (i.e., 40 CFR part 63, subpart HHHHHH);
- (5) A brief description of the type of operation, including whether the source is a motor vehicle and mobile equipment surface coating operation or a miscellaneous surface coating operation, the number of spray booths and preparation stations, and the number of painters usually employed at the operation;
- (6) *For paint stripping operations, identify the method(s) of paint stripping employed (e.g., chemical, mechanical) and the substrates stripped (e.g., wood, plastic, metal). Each paint stripping operation must indicate whether they plan to annually use more than one ton of MeCl after the compliance date.*
- (7) The compliance status of the facility (i.e., already in compliance or the date by which compliance will be achieved); and
- (8) If the facility is already in compliance, a certification of compliance by the responsible company official and a statement that this Initial Notification also serves as the facility's Notification of Compliance Status.

The EPA Administrator for your EPA Region may have a form that you can use, so we suggest your facility contact them & ask.

Annual notifications are not required unless compliance status has changed.

Existing facilities, in operation before September 17, 2007, must notify EPA by January 11, 2010, and **MUST** be compliant by January 10, 2011.

The Initial Notification **MUST** contain the following information:

- (1) The company name;
- (2) The name, title, street address, telephone number, e-mail address (if available), and signature of the owner and operator, or other certifying company official;
- (3) The street address (physical location) of the affected source and the street address where compliance records are maintained, if different. If the source is a motor vehicle or mobile equipment surface coating operation that repairs vehicles at the customer's location, rather than a fixed location such as a collision repair shop, the notification should state this and indicate the physical location where records are kept to demonstrate compliance;
- (4) An identification of the relevant rule (i.e., 40 CFR part 63, subpart HHHHHH);
- (5) A brief description of the type of operation, including whether the source is a motor vehicle and mobile equipment surface coating operation or a miscellaneous surface coating operation, the number of spray booths and preparation stations, and the number of painters usually employed at the operation;
- (6) *For paint stripping operations, identify the method(s) of paint stripping employed (e.g., chemical, mechanical) and the substrates stripped (e.g., wood, plastic, metal). Each paint stripping operation must indicate whether they plan to use more than one ton/year of MeCl after the compliance date.*
- (7) The compliance status of the facility (i.e., already in compliance or the date by which compliance will be achieved); and
- (8) If the facility is already in compliance, a certification of compliance by the responsible company official and a statement that this Initial Notification also serves as the facility's Notification of Compliance Status.

If not compliant at the time of this initial filing, the facility **MUST** submit a second notice (the "Notification of Compliance Status") by March 11, 2011, certifying that compliance was achieved on or before January 10, 2011.

The EPA Administrator for your EPA Region may have a form that you can use, so we suggest your facility contact them & ask.

Existing facilities that do not certify compliance in the Initial Notification **MUST** submit a Notification of Compliance Status on or before March 11, 2011. You are required to submit the following:

- (1) Company name and street address (physical location) of the affected facility and the street address where compliance records are maintained, if different.
- (2) The name, title, address, telephone, e-mail address (if available) and signature of the owner and operator, or other certifying company official, certifying the truth, accuracy, and completeness of the notification.
- (3) A statement of whether the facility has complied with all the relevant standards and other requirements of the rule and/or an explanation of any noncompliance and a description of corrective actions being taken to achieve compliance.
- (4) The date of the Notification of Compliance Status.

NOTE: If you are the owner or operator of an existing affected paint stripping source that annually uses more than one ton of MeCl, you must include a statement certifying that you have developed and are implementing a written MeCl minimization plan in accordance with § 63.11173(b). Please see the regulation for more details.

Compliance Requirements:

Each motor vehicle and mobile equipment surface coating operation and each miscellaneous surface coating operation must meet the following requirements:

(1) All painters must be trained and certified in the proper spray application of surface coatings and the proper setup and maintenance of spray equipment, including techniques to properly operate spray guns, minimize paint overspray/waste and improve transfer efficiency, and routine spray booth & filter maintenance. The requirements do not apply to the students of an accredited surface coating training program who are under the direct supervision of an instructor who meets the training and certification requirements.

(2) All spray-applied coatings must be applied in a spray booth, preparation station, or mobile enclosure, as follows:

- (i) All spray booths, preparation stations, and mobile enclosures must be fitted with a type of filter technology that is demonstrated to achieve at least 98-percent capture of paint overspray.
- (ii) Spray booths and preparation stations used to refinish complete motor vehicles or mobile equipment must be fully enclosed with a full roof, and four complete walls or complete side curtains, and must be ventilated at negative pressure so that air is drawn into any openings in the booth walls or preparation station curtains. However, if a spray booth is fully enclosed and has seals on all doors and other openings and has an automatic pressure balancing system, it may be operated at up to, but not more than, 0.05 inches water gauge positive pressure.
- (iii) Spray booths and preparation stations that are used to coat miscellaneous parts and products or vehicle subassemblies must have a full roof, at least three complete walls or complete side curtains, and must be ventilated so that air is drawn into the booth. The walls and roof of a booth may have openings, if needed to allow for conveyors and parts to pass through the booth during the coating process.
- (iv) Mobile ventilated enclosures that are used to perform spot repairs must enclose and, if necessary, seal against the surface around the area being coated such that paint overspray is retained within the enclosure and directed to a filter to capture paint overspray.

(3) All spray-applied coatings must be applied with a high volume, low pressure (HVLP) spray gun, electrostatic application, airless spray gun, air assisted airless spray gun, or an equivalent technology that is demonstrated by the spray gun manufacturer to achieve transfer efficiency comparable to one of the listed spray gun technologies.

(4) All paint spray gun cleaning must be done so that an atomized mist or spray of gun cleaning solvent and paint residue is not created outside of a container that collects used gun cleaning solvent. Examples of permissible spray gun cleaning include hand cleaning of parts of the disassembled gun in a container of solvent, flushing solvent through the gun without atomizing the solvent and paint residue, using a fully enclosed spray gun washer, or a combination of non-atomizing methods.

Additionally if your facility uses Methylene Chloride in paint stripping operations you must implement the following work practices:

(1) Evaluate each application to ensure there is a need for paint stripping (e.g., evaluate whether it is possible to re-coat the piece without removing the existing coating).

- (2) Evaluate each application where a paint stripper containing MeCl is used to ensure that there is no alternative paint stripping technology that can be used.
- (3) Reduce exposure of all paint strippers containing MeCl to the air.
- (4) Optimize application conditions when using paint strippers containing MeCl to reduce MeCl evaporation (e.g., if the stripper must be heated, make sure that the temperature is kept as low as possible to reduce evaporation).
- (5) Practice proper storage and disposal of paint strippers containing MeCl (e.g., store stripper in closed, airtight containers)

Each paint stripping operation must maintain copies of annual usage of paint strippers containing MeCl on site at all times.

IF annual MeCl usage is above 1 ton, consult the regulation for added requirements.

Training:

All refinish facility personnel must be trained. New hires must complete training within 180 days of hiring or by July 7, 2008, whichever is later. Training is good for 5 years.

Each owner or operator of an affected facility must ensure and certify that all new and existing personnel, including contract personnel, who spray apply surface coatings have been **trained** in the proper application of surface coatings. The training program must include, at a minimum:

- (1) A list of all current personnel, by name and job description, who are required to be trained;
- (2) Hands-on and classroom instruction that addresses, at a minimum, initial and refresher training in the following topics:
 - (i) Spray gun equipment selection, set up, and operation, including measuring coating viscosity, selecting the proper fluid tip or nozzle, and achieving the proper spray pattern, air pressure and volume, and fluid delivery rate.
 - (ii) Spray techniques for different types of coatings to improve transfer efficiency and minimize coating usage and overspray, including maintaining the correct spray gun distance and angle to the part, using proper banding and overlap, and reducing lead and lag spraying at the beginning and end of each stroke.
 - (iii) Routine spray booth and filter maintenance, including filter selection and installation.
 - (iv) Compliance with the other requirements of the rule.
- (3) A description of the methods to be used at the completion of initial or refresher training to demonstrate, document, and provide certification of successful completion of the required training.

Recordkeeping:

If you are the owner or operator of a surface coating operation, you must keep the **following records** for 5 years from the date each record is created:

- (a) Certification of training for each painter, including the date the initial training and the most recent refresher training completed.
- (b) Documentation of the filter efficiency of any spray booth exhaust filter material
- (c) Documentation from the spray gun manufacturer that each spray gun with a cup capacity equal to

or greater than 3.0 fluid ounces (89 cc) that does not meet the definition of an HVLP spray gun, electrostatic application, airless spray gun, or air assisted airless spray gun, has been determined by U.S. EPA to achieve a transfer efficiency equivalent to that of an HVLP spray gun

(d) Copies of the Initial Notification, the Notification of Compliance Status (unless combined with the Initial Notification), and any notification of changes in compliance status submitted to EPA and/or your local air agency.

(e) Records of any deviation from the requirements of the rule. These records must include the date and time period of the deviation, a description of the nature of the deviation, and the actions taken to correct the deviation.

(f) Records of any compliance assessments performed in support of the initial notification, notification of compliance status, or notification of changes report.

If you are the owner or operator of a paint stripping operation using MeCl, you must keep the **following records** for 5 years from the date each record is created:

(a) *Records of paint strippers containing MeCl used for paint stripping operations, including the MeCl content of the paint stripper used. Documentation needs to be sufficient to verify annual usage of paint strippers containing MeCl (e.g., material safety data sheets or other documentation provided by the manufacturer or supplier of the paint stripper, purchase receipts, records of paint stripper usage, engineering calculations).*

(b) Records of any deviation from the requirements of the rule. These records must include the date and time period of the deviation, a description of the nature of the deviation, and the actions taken to correct the deviation.

(c) You should also keep copies of the Initial Notification, the Notification of Compliance Status (unless combined with the Initial Notification), and any notification of changes in compliance status submitted to EPA and/or your local air agency.

IF annual MeCl usage is above 1 ton, consult the regulation for added requirements regarding MeCl minimization plans, including updating, reporting and recordkeeping requirements.

This regulation contains significant requirements for Methylene Chloride paint stripping operations. This summary does not address those requirements in detail for MeCl usage above 1 ton/year. If MeCl stripping operations are conducted at your facility, you should review those portions of the regulation.

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