



REGIONAL AIR POLLUTION CONTROL AGENCY

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October 15, 2007

U.S. Environmental Protection Agency
Air and Radiation Docket
Mailcode 61102T
1200 Pennsylvania Avenue, NW.
Washington, D.C. 20460

RE: Docket ID No. EPA-HQ-OAR-2005-0526

Dear Sir/Madam:

On behalf of the Regional Air Pollution Control Agency (RAPCA), thank you for this opportunity to comment on the 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* 179). RAPCA is a local air agency serving a six county region in the greater Dayton, Ohio area.

This proposed rule will affect area sources engaged in paint stripping using methylene chloride (MeCl), and/or engaged in coating of miscellaneous parts and/or products made of metal or plastic, or combination of metal and plastic, or autobody refinishing. We understand that in accordance with Section 112(c)(3) of the Clean Air Act, this proposed rule addresses MeCl from paint stripping operations and emission of cadmium, chromium, lead compounds, manganese and nickel compounds that are in the coatings, as part of the pigment in topcoats or for the corrosion protection in primers. The proposed rule for coating operations does not contain emissions limitations for volatile organic compounds but proposes equipment utilization for effective control of metals, operator training requirements, and management practices. RAPCA's major concerns with this proposed rule include the voluminous number of sources that will be affected by this rule and the regulatory resources that will be consumed to adequately permit and inspect these sources, determine compliance, and follow-up with any required enforcement activity.

The proposed rule does not offer a de minimis exemption for very small sources. Our understanding is that every coating operation, regardless of the size or frequency of use, will be subject to this rule. USEPA's delegation to Ohio for authority to enforce the requirements of each MACT rule stipulates that the MACT rule requirements be incorporated into an Ohio EPA air permit. There are a number of small operations with

limited painting activities currently operating as de minimis sources under Ohio's air program that would, in accordance with this rule, be required to comply with this rule and thus, be required to obtain a permit, maintain certified operators, and submit reports. It is difficult to fathom the number of sources in RAPCA's six county area that would be subject to this rule but, without a doubt, when considering each and every coating operation as a possible source, the work required to issue Ohio EPA permits, conduct source inspections, and follow-up with necessary enforcement action is anticipated to exceed our current personnel resources. We strongly recommend that USEPA consider incorporating a de minimis level of operation into this proposed rule.

Of special concern are the resources necessary to enforce the requirements for painting activities in the proposed rule. While RAPCA agrees that the training requirements for painters is a simple and economical means of attaining lower emissions, it will require much time and effort by the state and local agencies to inspect businesses and review each of their certifications of training and retraining as well as annual compliance reports. In addition, to effectively inspect and assess compliance with the spraying practices of an operator, it would be necessary for regulatory inspectors to obtain proper training and become familiar with the techniques necessary to obtain certification. We request USEPA consider the enormous resource burden the current proposed rule would impose on regulatory agencies.

In addition to our major concerns regarding resource burden and enforceability issues, we also have several questions and comments regarding the specific language and content of the proposed rule. These are as follows:

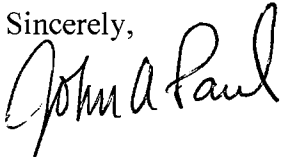
- The rule requires that all painting operations must be performed within a booth and that the booth must be equipped with polyester fiber or fiberglass filters or filters that have at least 98-percent capture efficiency. However, the Technical Support Document for coating operations, August 2007, Section 4 states that '...the use of a dry filter or waterwash filter could be considered generally available control technology to control overspray...' Waterwash filters are not discussed in the proposed rule. We request USEPA assess the acceptability of water wash booths as a control technology for overspray.
- The proposed rule does not define the terms, "enclosed gun cleaner" and "hand cleaning." We request these terms be defined. In addition, we request clarification to confirm whether hand cleaning includes use of a parts washer or strictly use of a cloth to wipe the parts.

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- Section 63.11177(c) references 63.11173(e)(4). We suspect this is a typographical error and in lieu of referencing (e)(4), (e)(3) is the appropriate reference.
- Section 63.11179(c) references that authority in 63.1117((d)(3) and (e)(6) will not be delegated to States, local, or tribal agencies. These sections do not exist in the rule.

Your consideration of our comments in developing the final NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations is greatly appreciated. If you should have any questions, feel free to contact Rebecca Pohlman at (937)225-4453 or Jennifer Riley at (937)225-4438.

Sincerely,

A handwritten signature in black ink that reads "John A. Paul". The signature is written in a cursive, slightly slanted style.

John A. Paul
Administrator