

Example Petition for Exemption

Paint Stripping and Miscellaneous Surface Coating Operations

Area Source Rule

40 CFR Part 63 Subpart HHHHHH (Parts 63.11169 – 63.11180 and Table 1)

In accordance with 40 CFR Part 63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation may petition the U.S. EPA Administrator for an exemption from the regulatory requirements of 40 CFR Part 63 Subpart HHHHHH, as they apply to those operations, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target hazardous air pollutants (HAP). (Note that in determining whether you spray apply target HAP containing coatings, do not include coatings applied using hand-held aerosol cans, or spray guns with a cup capacity of 3 fluid ounces or less.)

As defined in 40 CFR 63.11180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd) at concentrations greater than the following thresholds.

- If the compound is a carcinogen, the coating must contain more than 0.1% by mass of that individual target HAP to be considered a “target HAP containing coating.”
- If the compound is not a carcinogen, the coating must contain more than 1.0% by mass of that individual target HAP to be considered a “target HAP containing coating.”
- This corresponds to materials that contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1% by mass, and materials that contain manganese in amounts greater than or equal to 1.0 % by mass, as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material.

An exemption from the requirements of Subpart HHHHHH is case/fact specific, so if you want to request one, you must provide information about your operation to show why it should be granted an exemption. This Sample Petition for Exemption is completed to illustrate the type of information that you might submit to request an exemption. You may use your own form as long as you include all the information required by the rule for a petition. We will respond to your petition after we have evaluated the information you provided.

1. General Information

Start up date for spray coating operations October 15, 1999

Facility Name ZYX Collision Repair

Mailing Address 0000 Automotive Drive

Telephone Number xxx-xxx-xxxx

City Anytown

State ST

Zip zzzzz

Facility Location (if different from above):

Street Address Same location as above

County _____

City _____

State _____

Zip _____

Location where your compliance records are maintained:

Street Address Same location as above

County _____

City _____

State _____

Zip _____

2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR 63.11170 (a)(2).

For example: Our facility repairs automobile collision damage. We are seeking an exemption because we have stopped using "target HAP containing coatings."

OR

This is a collision repair shop that only paints from 3 ounce or smaller cups therefore we are not covered by the rule.

OR

This is a collision repair shop that does not use any target HAP containing coatings.

3. Description of Spray-Applied Coatings

Identify the manufacturer(s) and product line(s) of all the spray-applied coatings used at this facility. Attach additional pages to this petition, if necessary.

Manufacturer	Product Line
ACME Paint	Pro Line
ABC Coatings	Ultra Line
ABC Coatings	Supreme Line

4. Certification Statement

I have consulted reliable analyses (material safety data sheets or information obtained from the coating manufacturer) of the coatings that are used in this facility and have determined that we do not spray apply the target HAP (hazardous air pollutant) containing coating as defined in 40 CFR 63.11180. I certify, under penalty of law, to the truth, accuracy, and completeness of the information provided in this petition. If circumstances change such that we intend to spray apply target HAP containing coatings in surface coating operations, we will submit the initial notification required by 40 CFR 63.11175 and will comply with the requirements of Subpart HHHHHH (the National Emission Standard for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources). Spray application of target HAP containing coatings in a surface coating operation voids any exemption that might be granted as a result of this petition.

You must keep a record of this approval on site at your facility until you change your operation(s) to include spray application of target HAP containing coatings, or discontinue motor vehicle and mobile equipment surface coating operations.

John Doe

January 20, 2009

Signature of Certifying Official

Date

5. Where should I send this Petition for Exemption?

- a. To the appropriate Regional Office of the EPA (see addresses below).
- b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the notification to the appropriate State agency found at the following link: <http://www.4cleanair.org/contactUsaLevel.asp>

Addresses of EPA Regional Offices:

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, One Congress Street, Suite 1100 (SEA), Boston, MA 02114, Attn: Air Compliance Clerk.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 290 Broadway, New York, NY 10007-1866.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 6th Ave., Suite 900, AWT-107, Seattle, WA 98101.

John Doe

Certifying official must be owner or operator of the facility. Check the one or both that apply:

 X **Owner**
___ **Operator**

Printed Name of Certifying Official