

Example Petition for Exemption

Paint Stripping and Miscellaneous Surface Coating Operations

Area Source Rule

40 CFR Part 63 Subpart HHHHHH (§§63.11169–63.11180 and Table 1 to Subpart HHHHHH of 40 CFR Part 63)

An exemption from the requirements of Subpart HHHHHH is case/fact specific. This Example Petition for Exemption is completed to illustrate the type of information that you might submit to request an exemption through petition to the United States Environmental Protection Agency (EPA) Administrator. You may use your own form as long as you include all the information required by the rule for a petition for exemption. We will respond to your petition after we have evaluated the information you provide.

[Note that if you do not wish for a formal determination (confirmation of exemption), you may submit (as an alternative to a petition) a notification to the Administrator that you do not spray-apply any coatings that contain the target hazardous air pollutants (HAP). A separate example form is provided for the notification.]

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR part 63, subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target HAP. (Paint stripping requirements still apply.)

Note: In determining whether you spray-apply target HAP-containing coatings, do not include coatings applied using hand-held aerosol cans, or hand-held devices (e.g., spray guns) with a paint cup capacity of 3 fluid ounces or less. These are not considered spray-applied coatings under the rule. See “spray-applied coating operations” definition at 40 CFR §63.11180.

As defined in 40 CFR §63.11180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration.

- Target HAP-containing coatings are defined to include coatings containing compounds of chromium, lead (Pb), nickel (Ni), or cadmium (Cd), if the metals are in amounts greater than or equal to 0.1% of the coating by mass.
- Target HAP-containing coatings also include coatings containing compounds of manganese (Mn), if the metal is in an amount greater than or equal to 1.0% of the coating by mass.
- Refer to the coating Safety Data Sheets (SDS) or obtain documentation from your supplier for each coating that you spray-apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray-apply.

1. General Information

Company Name _____

Facility Name _____

Mailing Address _____ Telephone Number _____

City _____ State _____ ZIP _____

Facility Location (if different from above):

Street Address _____ County _____

City _____ State _____ ZIP _____

Location where your facility compliance records are maintained:

Street Address _____ 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 do 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

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 target HAP-containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of “target HAP containing coatings.” 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 40 CFR part 63, subpart HHHHHH (the National Emission Standards 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.

If your petition is approved, then you must keep a copy of the approval onsite at your facility until you change your operation(s) to include spray-application of target HAP-containing coatings or until you discontinue motor vehicle and mobile equipment surface coating operations.

_____ **Signature of Certifying Official** _____ **Date**

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

_____ **Email Address of Certifying Official**

_____ **Printed Name and Telephone Number of Certifying Official**

_____ **Mailing Address of Certifying Official**

5. Where should I send this Petition for Exemption?

- a. Submit your petition for exemption to the EPA Administrator through the Compliance and Emissions Data Reporting Interface (CEDRI), which is located on EPA's Central Data Exchange (CDX): <https://cdx.epa.gov>. The CDX Web is the application used by EPA to manage the environmental data transmitted to EPA in order to meet EPA's electronic reporting requirements.
- b. If the State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, submit the petition to the appropriate State agency. For more information on state requirements, you can contact your Regional EPA air toxics office. General contact information for EPA Regional Offices is found at the following link: <https://www.epa.gov/aboutepa/mailing-addresses-and-phone-numbers#regional>.

Who may be subject to the rule and may need to use this form?

Spray painting of motor vehicles or mobile equipment is subject to 40 CFR part 63, subpart HHHHHH, unless exempted (see 40 CFR §63.11180 for definitions). The following will generally be subject to the rule:

- Businesses at a fixed location
- Mobile operations that spray paint at various customer locations using their own equipment
- Individuals that coat more than 2 motor vehicles or pieces of mobile equipment per year without compensation, or any number for compensation

Who may petition for exemption?

If you as the owner or operator of a facility are subject to the rule and do not spray-paint with any target HAP-containing coatings, then you may petition for exemption from the spray-painting requirements of the rule. The example petition form references facilities, but any of the above may submit a notification of exemption provided that they are eligible.

If you are subject to the rule and do not obtain exemption (whether through petition or notification), then you are required to satisfy the rule requirements.

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[Note that if you do not wish for a formal determination (confirmation of exemption), you may submit (as an alternative to a petition) a notification to the Administrator that you do not spray-apply any coatings that contain the target hazardous air pollutants (HAP). A separate example form is provided for the notification.]

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR part 63, subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target HAP. (Paint stripping requirements still apply.)

Note: In determining whether you spray-apply target HAP-containing coatings, do not include coatings applied using hand-held aerosol cans, or hand-held devices (e.g., spray guns) with a paint cup capacity of 3 fluid ounces or less. These are not considered spray-applied coatings under the rule. See “spray-applied coating operations” definition at 40 CFR §63.11180.

As defined in 40 CFR §63.11180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration.

- Target HAP-containing coatings are defined to include coatings containing compounds of chromium, lead (Pb), nickel (Ni), or cadmium (Cd), if the metals are in amounts greater than or equal to 0.1% of the coating by mass.
- Target HAP-containing coatings also include coatings containing compounds of manganese (Mn), if the metal is in an amount greater than or equal to 1.0% of the coating by mass.
- Refer to the coating Safety Data Sheets (SDS) or obtain documentation from your supplier for each coating that you spray-apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray-apply.

1. General Information

Company Name	ZYX Collision Repair		
Facility Name	Same as above		
Mailing Address	1 Automotive Drive	Telephone Number	111-555-1212
City	Studebaker	State	Michigan ZIP 10000
Facility Location (if different from above):			
Street Address	Same location as above		
City		State	ZIP
Location where your facility compliance records are maintained:			
Street Address	Same location as above		
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 do 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 notification, 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 target HAP-containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of "target HAP containing coatings." 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 40 CFR part 63, subpart HHHHHH (the National Emission Standards 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.

If your petition is approved, then you must keep a copy of the approval onsite at your facility until you change your operation(s) to include spray-application of target HAP-containing coatings or until you discontinue motor vehicle and mobile equipment surface coating operations.

John Doe

September 20, 2023

Signature of Certifying Official

Date

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

Owner **Operator**

doe.john@zyx.com

Email Address of Certifying Official

John Doe

111-555-1212

Printed Name and Telephone Number of Certifying Official

1 Automotive Drive

Studebaker, Michigan 10000

Mailing Address of Certifying Official