



Petition for Exemption

Applicable Rule: 40 CFR Part 63, Subpart HHHHHH – National Emission Standards for Hazardous Air Pollutants (NESHAP): Paint Stripping and Misc. Surface Coating Operations at Area Sources

Air Quality Control
Division
5600 South 10th Street
Omaha NE 68107-3501
Phone: (402) 444-6015
Telefax: (402) 444-3904

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.”

Refer to the Material Safety Data Sheets for this information.

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. 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

Company Name _____

Mailing Address _____ Telephone Number _____

City _____ State _____ Zip _____

Facility Location (if different from above)

Street Address _____ Telephone Number _____

City _____ State _____ Zip _____

Location where your compliance records are maintained (if different from above)

Street Address _____ Telephone Number _____

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 does not use any target HAP containing coatings.)

3. Description of Spray-Applied Coatings

In the table below, identify the manufacturer(s) and product line(s) of all the spray-applied coatings used at this facility. Use additional sheets if necessary. Please be advised that you could be requested by OAQC or the EPA to supply a material safety data sheet (MSDS) for each of your coatings to support this Petition for Exemption.

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 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.

Signature of Certifying Official

Date

Printed Name of Certifying Official

____ Owner ____ Operator

5. Where to mail this petition:

This petition should be sent to **both** Omaha Air Quality Control and EPA Region 7 at the addresses below. Sending the documents by certified mail will give you a record of the submittal.

**City of Omaha
Air Quality Control
5600 S 10th Street
Omaha, NE 68107**

**Leslye Werner
EPA Region 7
AWMD/APCO
901 N. 5th Street
Kansas City, KS 66101**