AmericanCoatings
ASSOCIATION℠

August 8, 2022

Ms. Angie Carey
Sector Policies and Programs Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
Docket ID No. EPA–HQ–OAR–2018–0747

RE: U.S. Environmental Protection Agency (EPA) Proposed Amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Coatings Manufacturing (MCM) Facilities; ACA Comments

Dear Ms. Carey:

The American Coatings Association (ACA) submits the following comments to the U.S. Environmental Protection Agency (EPA) regarding its proposed amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Coatings Manufacturing (MCM) facilities. ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services. ACA appreciates the opportunity to comment on the proposal and looks forward to working with U.S. EPA throughout the rulemaking process.

1. <u>EPA should add design evaluations of PM control devices as an alternative to Method 5 testing for initial compliance demonstrations.</u>

When coatings are made, the addition of dry solids to MCM-subject process vessels tends to be short in duration and often occurs infrequently, representing only a fraction of the time required to conduct Method 5 test runs. The proposed rule correctly specifies that the metal HAP emission limits apply to MCM-subject process vessels only "during the addition of dry pigments and solids that contain material containing metal HAP" (see proposal at 40 C.F.R. §§ 63.8005(a)(1)(iii) and Table 1, Item 2.c.). Furthermore, facilities are required to conduct a compliance demonstration under "normal operation," consisting of at least three Method 5 test runs of the corresponding particulate matter (PM) control device (see proposal at 40 C.F.R. § 63.8005(i)(1)). In practice, Method 5 test runs usually require an hour or more, whereas the addition of dry solids to an MCM-subject vessel typically occurs over a much shorter duration period. For example, under normal operation, the addition of solids from bags or sacks into some vessels occurs in no more than 10 or 15 minutes for each batch. It also might be a matter of days, or even months, before another batch is made involving the addition of dry solid metal HAP. Consequently, for such vessels, only one of the three Method 5 test runs might reasonably occur while dry solids are actually being added to the vessel, and with that solids addition possibly spanning only part of the duration of the single test run.

In practice, Method 5 testing is not feasible for vessels that are infrequently or rarely subject to MCM. The MCM rule applies to vessels ≥ 250 gallons only during uses of the vessel that meet the rule's applicability criteria at 40 C.F.R. § 63.7985(a). At some facilities, only a small number of batches (in some cases, no more than one or two batches in a year) are subject to MCM, and even fewer of these might involve the addition of metal HAP in dry solids. Notably, some facilities manufacture many different types of materials in the same vessel. Some of the manufactured materials might not be coatings, and/or some materials are coatings made without "processing, using, or producing a HAP." Neither of those uses of a vessel are subject to MCM (see 40 C.F.R. §§ 63.7985(a)(2)–(3)). Overall, Method 5 testing is not feasible for PM control devices that service one or more vessels that are subject to the MCM rule and in dry metal HAP service for a small number of instances each year.

In addition, Method 5 testing is not feasible for vessels for which PM emissions are routed to a control device that operates only while the dry materials are being added to the vessel. Irrespective of metal HAP, facilities typically include some sort of exhaust system to capture and route to a control device any PM resulting from the addition of dry solids (e.g., for worker hygiene protection). However, some of these systems operate only during the addition of solids (and maybe for a short period thereafter) because it reduces energy usage or allows VOC emissions to be routed to a different control device during the addition of solvents and/or otherwise during the balance of the batch. As discussed above, the addition of dry solids into a vessel tends to be short in duration and often occurs infrequently. As a result, metal HAP-containing products are made infrequently in the vessel. Under these circumstances, Method 5 testing is not feasible because the time required for each Method 5 test run, at greater than one hour, would exceed the normal operating period of the filter system being measured.

For the reasons stated above, ACA encourages U.S. EPA to modify the proposed rule by adding design evaluations as an option in lieu of Method 5 testing. Please see below for ACA's specific requested changes for 40 C.F.R. § 63.8005(i). It's important to note that EPA already authorizes design evaluations under some circumstances for the MCM rule's organic HAP emission limits, and also authorizes design evaluations for particulate HAP in a number of related NESHAP rules:

- The current MCM rule, in referencing Subpart SS, specifies limited circumstances for electing a design evaluation in lieu of a direct performance test for control devices used to control organic HAP. *See*, for example, § 63.985 of 40 C.F.R. Part 63, Subpart SS ("National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process").

- Subpart BBBBBBB specifies a compliance demonstration for PM control devices consisting of engineering calculations or a manufacturer's performance guarantee in lieu of direct testing. *See* Table 2, Item 1 of 40 C.F.R. Part 63, Subpart BBBBBBB ("National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry"). Note additionally that the proposed revisions to the MCM rule currently reference the continuous compliance requirements of Subpart BBBBBBB. *See* 40 C.F.R. § 63.8005(i), as proposed, referencing 40 C.F.R. §§ 63.11583(a)–(e) & (h).

- Subpart VVVVVV specifies an "engineering assessment" in lieu of a performance test for control devices used to control metal HAP emissions. *See* 40 C.F.R. § 63.11496(f)(3)(ii) of 40 C.F.R. Part 63, Subpart VVVVVV ("National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources").

- Subpart CCCCCCC specifies compliance demonstrations of dry PM controls by a combination of equipment inspections and visible emissions testing. See 40 CFR 63.11602 of 40 C.F.R. Part 63, Subpart

CCCCCCC ("National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing").

Specific Changes Requested for 40 C.F.R. § 63.8005(i). To address the issues and concerns stated above, ACA requests that EPA amend 40 C.F.R. § 63.8005(i) in the following or similar way:

(i) Inorganic HAP standards. You must demonstrate initial compliance with the inorganic HAP limit in Table 1 and as specified in § 63.8005(a)(1)(iii) of this subpart by following the requirements specified in § 63.8005(i)(1) ~~or (2)~~ – (3), ~~below~~ as applicable. You must demonstrate continuous compliance with the requirements in §§ 63.11583(a) through (e) and (h).

(1) Except as specified in § 63.8005(i)(3), ~~You~~ you must follow the requirements specified in (i) through (iii) of this section and include the results in your Notification of Compliance Status Report in accordance with §63.8070.

(i) You must conduct the tests under conditions that represent normal operation, ensuring that dry solids containing metal HAPs are added to the corresponding vessels(s) serviced by the control device being tested during some part of one or more of the test runs.

(ii) You must perform the test using EPA Method 5 in appendix A to part 60.

(iii) You must conduct a minimum of three separate test runs with a minimum sample volume of 70 dry standard cubic feet (2 dry standard cubic meters) per run for each performance test required in this section, as specified in § 63.7(e)(3).

(2) For existing sources only, you may demonstrate initial compliance using the results of an emissions test conducted in the past 5 years, or since coating composition changes, provided the test meets the requirements in § 63.8005(i)(1) above.

(3) You may elect to demonstrate initial compliance with the emission limit in Table 1 by providing engineering calculations or providing manufacturer's performance guarantee information, in accordance with §§ 63.11582(c) or (d), as relevant to the inorganic HAP limit in Table 1. You must include the results in your Notification of Compliance Status Report in accordance with § 63.8070.

Alternative Option for Changes Requested for 40 C.F.R. § 63.8005(i). If EPA determines that the proposed changes to 40 C.F.R. § 63.8005(i) above are inappropriate or unreasonable, ACA proposes the following alternative changes to 40 C.F.R. § 63.8005(i) to ensure that Method 5 testing is required only where it is feasible.

(i) Inorganic HAP standards. Except as specified in § 63.8005(i)(1), you ~~You~~ must demonstrate initial compliance with the inorganic HAP limit in Table 1 and as specified in § 63.8005(a)(1)(iii) of this subpart by following the requirements specified in § 63.8005(i) ~~(1) or~~ (2) or (3) below. You must demonstrate continuous compliance with the requirements in §§ 63.11583(a) through (e) and (h).

(1) For either type of control device specified at (i) and (ii) of this section, you may elect to demonstrate initial compliance with the emission limit in Table 1 by providing engineering calculations or providing manufacturer's performance guarantee information, in accordance with §§ 63.11582(c) or (d), as relevant to the inorganic HAP limit in Table 1. You must include the results in your Notification of Compliance Status Report in accordance with § 63.8070.

(i) PM control devices that operate only during the addition (with brief operation pre- and/or post-addition) of dry, metal HAP-containing solids to a process vessel.

(ii) PM control devices that control one or more process vessels for which none of the controlled vessels is used to make more than one batch each calendar quarter of a coating that includes the addition of dry, metal HAP-containing solids.

~~(1)~~(2) You must follow the requirements specified in (i) through (iii) of this section and include the results in your Notification of Compliance Status Report in accordance with §63.8070.

(i) You must conduct the tests under conditions that represent normal operation, ensuring that dry solids containing metal HAPs are added to the corresponding vessels(s) serviced by the control device being tested during some part of one or more of the test runs.

(ii) You must perform the test using EPA Method 5 in appendix A to part 60.

(iii) You must conduct a minimum of three separate test runs with a minimum sample volume of 70 dry standard cubic feet (2 dry standard cubic meters) per run for each performance test required in this section, as specified in § 63.7(e)(3).

~~(2)~~(3) For existing sources only, you may demonstrate initial compliance using the results of an emissions test conducted in the past 5 years, or since coating composition changes, provided the test meets the requirements in § 63.8005(i)(1) above.

2. EPA should provide three (3) years to comply with the revised rule for existing facilities that need to install a control device or modify or replace an existing control device.

To meet the proposed rule changes, a number of existing facilities may need to install a new PM control device or modify or replace an existing control to meet the metal HAP emission limits specified in Table 1. In the proposal, EPA mistakenly states that "all facilities in the source category currently have PM controls in place using existing baghouses, fabric filters, or cartridge filters." The proposal also does not account for facilities that may need to install new controls. It is unclear whether EPA's statement is intended to mean that each existing MCM-subject process vessel that will become subject to the metal HAP requirements is already controlled by a PM control device, or instead that each MCM-subject facility has at least one PM control device that it uses to control PM emissions from at least one of its process vessels. Because the rule applies to vessels, one or more facilities that have multiple vessels will likely need additional control devices, not all of which are necessarily in place.

For the reasons stated above, ACA requests that EPA provide three (3) years to meet the revised rule if one or more control devices need to be installed, or if one or more existing control devices require modification or replacement in order to meet the rule's Table 1 emission limits (see 40 C.F.R. §§ 63.7995(f) and 63.8000(d)(1)(vii)). ACA supports the one (1) year compliance timeline for all other existing sources.

3. EPA should clarify that Subpart SS does not apply.

Subpart SS, which is referenced by the existing MCM rule, does not apply to PM control devices. To avoid any potential confusion, EPA should clarify that Subpart SS does not apply to the proposed requirements for metal HAP by adding qualifiers as noted in the following proposed redlined changes:

40 C.F.R. § 63.8000(c):

> (c) Compliance requirements for closed vent systems and control devices. With the exception of the emission limit for metal HAP in Table 1, if ~~If~~ you use a control device to comply with an emission limit in Table 1, 2, or 5 to this subpart, you must comply with the requirements in subpart SS of 40 CFR part 63 as specified in paragraphs (c)(1) through (3) of this section, except as specified in paragraph (d) of this section.

40 C.F.R. § 63.8005(a)(2):

> (2) Except as provided in § 63.8005(i), for ~~For~~ each control device used to comply with Table 1 to this subpart, you must comply with subpart SS of this part 63 as specified in § 63.8000(c), except as specified in § 63.8000(d) and (f), and paragraphs (b) through (g) of this section.

ACA recognizes U.S. EPA's obligation to amend this rule, but urges the agency to consider making additional changes as noted in the comments above. Thank you for your consideration of our comments. Please do not hesitate to contact me if you have any questions or require additional clarification.

Sincerely,

Rhett Cash
Counsel, Government Affairs
American Coatings Association
rcash@paint.org

Submitted via Regulations.gov